APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Conspiracies Against Aliens—The Speaker's Right to Vote.

SPEECH

OF

HON. J. WARREN KEIFER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 12, 1908,

On the bill (H. R. 11733) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States.

Mr. KEIFER said:

Mr. SPEAKER: The question arising on the appeal of the gentleman from Missouri [Mr. DE ARMOND] from the exercise of the right of the Speaker to vote on the passage of a bill (H. R. 11739) called up by the direction of the Committee on the Judiciary by its chairman is an old one, and it is plainly settled by a rule of this House long in continuous existence and by a long line of uniform precedents.

The Speaker has already called attention to the rule of this House and to some of the precedents, but as the question is one of great importance and is now submitted to the House for its decision as a precedent it may not be time lost to briefly discuss the question anew in the light of our legislative history, our rules, the practice thereunder, and the precedents. It will be seen that the question of the right of the Speaker to vote has now arisen in its simplest form.

Briefly stated, the question arose thus: The yeas and nays were taken on the passage of the bill and the clerk reported to the Speaker the vote as tabulated by him. Some pairs were then announced and one Member sought to be recorded as present and another [Mr. HOBSON] sought to be allowed to vote, but was refused, whereupon the Speaker announced the vote so reported to him to be, yeas 100, nays 99, present 4, but he did not announce that the bill had passed, though the reported vote warranted such an announcement. At this stage in the proceedings a recapitulation of the vote was asked for by a Member and granted by the Speaker, the vote being close. Then followed a further fruitless attempt of the gentleman from Alabama to be allowed to vote. The recapitulation was then completed and the clerk reported the vote to the Speaker to be, yeas 100, nays 100, present 3, and thereupon he directed the clerk to call his name, and he then voted "aye."

The gentleman from Missouri made the point that the Speaker had no right to vote at that stage of the procedure and the Speaker, after some debate, overruled the point and voted "aye." From this decision of the Chair the appeal to the House was taken. It will be seen that his vote when thus cast was decisive of the result.

Rule I, paragraph 6, settles the question in precise terms:

He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

This rule required him to vote under the conditions of the vote as finally reported to him. His right to vote was perfect under the rule.

The claim that he should have voted on the regular call is untenable. His name was not on or under our rules required to be on the roll to be called, and it is only called on the Speaker's own direction, which is usually only given, as in the present instance, when the rule requires him to vote. The Speaker's name has never in the whole history of Congress been on the voting roll.

Originally, by a rule adopted April 7, 1789, he did not vote at all, though a Member of the House. A later rule of the House forbade his voting save in case of a vote by ballot or of a tie vote, but it is now settled that he may vote, if he so desires, on any question any other Member of the House is qualified to vote upon, this by virtue of his constitutional right as a Representative.

Speaker Trumbull, of Connecticut, March 16, 1792, and Speaker Macon, of North Carolina, December 9, 1803, each exercised his constitutional right to vote, although a rule of the House forbade it, and this practice has been followed by Speakers ever since.

On December 9, 1833, and again in 1837, Mr. Patton, of Virginia, proposed a rule providing that "in all cases the Speaker shall vote," and each time it was defeated, leaving the rule and practice to stand as now, namely, that his name shall not appear on the roll, but to be called if he so directs after the call ends.

On January 4, 1850, the language of the rule that hitherto existed was changed from "he shall not vote" to "he shall not be required to vote." This was done to take away the appearance of the House attempting to take from a Speaker his constitutional right to vote as a Member of the House. In substance, this language has been continuously kept in our rules up to the present, and the Speaker, regardless of party, has always voted at the end of the regular roll call whenever he desired to do so and on any question before the House.

In the case under consideration he not only had the constitutional right to vote when he did, but there being a tie vote reported to him on which the question would be lost, and his vote would be decisive, the rule already quoted absolutely required him to vote. This he did at the earliest moment the condition appeared, showing his duty under the rule was to vote. The recapitulation to verify the vote must be regarded as a proper part of the taking of the vote, with the right of a Member to change or withdraw his vote, or, in a proper case, to vote and have his vote counted, and of the Clerk to correct errors, and so forth.

But the settled practice does not stop there, however, as to the time the Speaker may exercise his right to vote. He may vote at any time it is discovered that the rule requires him to do so, even though other business has intervened, and even on a later legislative day.

On December 4, 1876, Mr. Hewitt, of New York, moved to suspend the rules and pass a resolution providing for a special committee to investigate the recent presidential elections in Louisiana, Florida, and South Carolina, which required a two-thirds vote to pass it. The vote reported thereon was 156 yeas to 78 nays, precisely enough yeas under suspension of the rules to pass the resolution. On the next day it was represented to the Speaker and to the House that a Member from Maine (Mr. Plaisted) had voted in the negative, and a Member from Indiana (Mr. Fuller) had voted in the affirmative, and the vote in neither case had been recorded or counted, and the Speaker held each was entitled to have his vote recorded and counted, which showed the resolution was lost, whereupon the Speaker (Mr. Randall) voted in the affirmative, producing the required two-thirds majority, and he thereupon declared the resolution adopted. The language used by Speaker Randall in asserting his right to vote after the result of the vote had been announced and on a later day will be found in Volume 5, Hinds Precedents, House of Representatives, page 515, section 5969.

He only followed Speaker Macon, of North Carolina, who (December 9, 1803), notwithstanding a then prohibition in the rules of the House against the right of the Speaker to vote at all, voted to make a two-thirds vote on a proposed amendment to the Constitution of the United States, though in that case a day had not intervened before he exercised his right to vote.

There are a number of decisions all concurring in the view that the Speaker has a right to vote at any time when it is disclosed that his vote would be decisive of the result, and that this right to vote may be exercised after the result of a vote has been announced by the Speaker, and this also where his vote changes the result of the vote previously announced.

Speaker Winthrop, of Massachusetts, on Monday, January 8, 1849, held he had the right to vote on the discovery of an error in the vote as announced on which he had declared on the Saturday before a bill to have passed the House. In disposing of the question he said:

The Chair takes the earliest opportunity to state to the House this morning that upon a reexamination of the yeas and nays the Clerk has ascertained that an error existed in the announcement of the vote on Saturday. The vote actually stood—ayes 89, noes 89. The correction will now accordingly be made on the Journal, and a case is immediately presented, agreeably to the twelfth rule of House, for the interposition of the Speaker's vote.

The vote as finally announced was—yeas 89, nays 90, and the bill was lost. There are other precedents of like effect, and they violate no sound principle of parliamentary procedure, and they are in consonance with each Representative's rights.

In the Forty-seventh Congress (July 19, 1882) the same question arose, in principle, in a contested-election case from South Carolina. A resolution was, by the Speaker, on a reported yea-and-nay vote, announced passed, declaring the sitting Member not entitled to retain his seat. The Democrats refused to vote on the resolution and sought to break a quorum and thereby defeat the resolution. This was before the practice of counting a quorum obtained. A quorum was then 146. Only 145 had actually voted, though 146 were reported to the Chair as voting. Immediately after the resolution was declared passed another one was presented and passed seating a Member instead of the one just unseated, and a motion followed to reconsider the last vote and to lay the last motion on the table, which was agreed to. It was then discovered that a quorum had not voted on the former resolution. The Speaker [Mr. KEIFER] announced to the House the discovery of this fact, and that instead of there being yeas 145 and nay 1, as announced, the correct vote was yeas 144, nay 1, which lacked 1 of a quorum. The Speaker thereupon exercised his right to vote and caused it to be recorded in the affirmative, which healed the error and confirmed the passage of the resolution and showed a quorum present voting. His right to do this was challenged by ex-Speaker Randall, by Mr. Blackburn, of Kentucky, and others, and some debate in the House ensued, during which the practice and precedents were generally cited and reviewed. The succeeding day a resolution was introduced challenging the action of the Speaker, but it was withdrawn after debate and his action was acquiesced in as being sound in principle and in line with the precedents, including the decision of Speaker Randall above referred to.

It was at a little earlier time (May 29, 1882) that the then occupant of the chair [Mr. KEIFER] held that dilatory motions were not in order to prevent the House from adopting rules for its procedure, and he then expressed a willingness to count a quorum where a quorum of Members was present and not voting, but as the Democratic Members then unitedly denied the Speaker enjoyed such right or could enforce it, in which Mr. Reed, of Maine, Mr. Robinson, of Massachusetts, and other Republicans of that (Forty-seventh) Congress concurred, the Speaker was not called on to count a quorum. Mr. Reed later recanted his speeches and opinion then and theretofore made and expressed (RECORD, Vol. XIII, Pt. V, p. 4313) in opposition to the Speaker's right to count a quorum if a quorum was present not voting, and he, as Speaker in the Fifty-first Congress, January 29, 1890, counted a quorum under such circumstances, which action has since been sustained by the Supreme Court of the United States (144 U. S., p. 1), and its wisdom is no longer questioned, but followed, and is now a rule of the House. (Pars. 3 and 4, Rule XV.)

The real question here for decision by the House on this appeal is a plain one under our existing rules, and the Speaker's right and duty to vote as and when he did is also in accordance with the practice and parliamentary precedents from almost the beginning of our constitutional government. I am glad the House has laid the appeal on the table by so decided a vote, which must be taken as constituting another affirmance of the uniform practice in like cases.

Naval Appropriation Bill.

SPEECH
OF
HON. LEMUEL P. PADGETT,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, January 19, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes—

Mr. PADGETT said:

Mr. CHAIRMAN: I desire to submit for the consideration of the committee some observations upon the pending bill making appropriation for the maintenance of the naval establishment and the programme for the increase of the navy. I think this is a fortunate time and a happy occasion for the consideration, calmly and dispassionately, of the questions involved in this bill. Our fleet is homeward bound from a trip of peace and good fellowship around the world. We have been declaring with emphasis our love for all nations and our determination upon our part to maintain peace with all the world, and all the other nations of the world have in good faith accepted our declarations and professions of peace and good will and with like emphasis have assured us of their peaceful purposes and good intentions. And with all the formalities which a great nation can employ we have assured them that we accept in good faith their declarations and professions of peace and friendship. At a cost of many millions of dollars this voyage of the fleet around the world has been made and is now returning, assuring us of the splendor and magnificence of its receptions and the cordiality of the people of every country it visited. I think it indeed a felicitous occasion and happy environment that we can consider the naval appropriation bill and naval programme under such conditions. I am aware of the publication in the press of the Japanese threatened peril. This we have each year. Of course it is mere coincidence that every year just immediately preceding the consideration of the naval appropriation bill these publications of the Japanese danger and peril make their appearance and as regularly disappear as soon as the naval bill is disposed of. Summer follows winter and harvest follows seeding time, but not with more unfailing regularity and precision than the Japanese scare attends the consideration of the naval appropriation bill. To be sure, it is a mere coincidence. But the regularity and precision of the coincidence awakens our admiration. I remember a few years ago these coincidences, precisely of the same nature and character and threatened danger and peril were with Germany. But after being used for several years and the country becoming thoroughly conversant with them, so as to unerringly expect their coming at the time of the consideration of the naval bill and their unfailing disappearance without harm or disaster after the passage of the naval bill, these German coincidences failed longer to serve any useful purpose and were abandoned and were succeeded by the Japanese coincidences. I may be pardoned for suggesting that the country and the Congress are no longer frightened by them and fully realize that the coincidences of foreign peril, danger, and disaster always attending the consideration of the naval bill are manufactured for a purpose.

And we may be further pardoned for suggesting at this time that when the next naval appropriation bill is approaching consideration in the Congress there will again arise the danger and disaster and peril of the Japanese. We confess that it arouses our unstinted admiration that whether the naval bill is considered early in the session or late, with unfailing precision the Japanese scare makes its appearance just at the psychological moment. Notwithstanding all of which, I deem the present a fortunate time in which to call to the attention of the Congress and the country some important suggestions with reference to the navy.

The time has come and the conditions are such that I think it is the duty of Congress and of the country to call a halt in the extravagance of the naval programme. For the fiscal year ending June 30, 1908, the ordinary disbursements exceeded the ordinary receipts, making a deficit of $58,070,201.15. Since the 1st day of July last to the present time the excess of expenditures of the Government over receipts amount to $73,231,471.38; and the Secretary of the Treasury, in his last annual report to Congress, for the fiscal year ending June 30, 1909, estimates a deficit of revenue to meet the expenditures of the Govern-

ment of $114,000,000. And judging by the present condition of receipts and expenditures it will perhaps exceed this amount. And for the fiscal year ending June 30, 1910, under the present revenue laws, the Secretary of the Treasury states that the estimates of appropriations submitted by the several executive departments exceed the estimated revenues of the Government $143,046,796. These conditions, in my opinion, justify serious consideration and reflection. The total estimates of expenditures submitted by the several departments, exclusive of all postal receipts, aggregate the enormous sum of $824,408,948. Let me call to your attention some figures relating especially to the navy. In the last session of the Congress the naval appropriation bill, as reported by the House Committee on Naval Affairs and substantially as it passed the House, carried in round numbers $103,937,000. In the Senate there were many amendments and large additions, and when it became a law it carried $122,662,485.47. The present bill now before the House carries $135,662,888.25, over $31,000,000 more than the bill as it passed the House in the last session and $13,000,000 more than the bill in the last Congress as it became law. The permanent annual appropriation for the Navy Department, as submitted in the Book of Estimates, makes the additional sum of $2,280,000; and there will be considerable sums as deficiencies to be provided for in the deficiency bills, and if we allow an increase by way of Senate amendments of the same proportion as the bill last year the total appropriations for the naval establishment in the present session of Congress will aggregate the startling figures of not less than $160,000,000. When we remember that in the year 1883 the total expenditures of the Navy Department were less than $15,000,000 per annum, and that from 1883 to 1908, both inclusive, the total appropriations for the navy amounted to the fabulous sum of $1,371,624,001.89, and consider in connection therewith the enormous growth of naval expenditures provided for in the present bill, we believe we are justified in asking the Congress seriously to consider a halt in naval expenditures.

The present bill provides for the increase of the navy two battle ships, costing not less than $10,000,000 each, and various other auxiliaries, making a total cost of nearly $28,000,600. Personally, I preferred and thought sufficient an authorization of one battle ship, but a large majority of the committee were in favor of two, and I joined with them and stand with the committee in its present recommendation of two ships. But in so doing I would not have it understood that in the future I shall feel obligated to stand for so large a naval programme. My candid opinion is that our navy is sufficiently large for all ordinary purposes, and to maintain it in a high state of excellency at its present standard is all that is necessary, and to do so does not require so large a programme for the increase of the navy each year. Especially is this true of battle ships. Let me call to your attention some figures by way of comparison of the navies of the principal nations:

Relative strength of the principal naval powers in battle ships and armored cruisers.

BATTLE SHIPS AND ARMORED CRUISERS BUILT, BUILDING, AND PROVIDED FOR.

	Number.	Tonnage.		Number.	Tonnage.
Great Britain:			Japan:		
Battle ships	61	910,330	Battle ships	15	233,444
Armored cruisers	39	485,000	Armored cruisers	15	175,001
Total tonnage		1,395,330	Total tonnage		408,445
United States:			Russia:		
Battle ships	31	449,700	Battle ships	15	260,969
Armored cruisers	*12	*157,445	Armored cruisers	6	63,166
Total tonnage		607,241	Total tonnage		264,135
Germany:			Italy:		
Battle ships	31	414,486	Battle ships	15	212,846
Armored cruisers	11	133,768	Armored cruisers	10	78,513
Total tonnage		548,254	Total tonnage		291,359
France:			Austria:		
Battle ships	20	357,132	Battle ships	6	74,300
Armored cruisers	22	216,232	Armored cruisers	3	19,020
Total tonnage		573,364	Total tonnage		93,320

*If the *Charleston*, *Milwaukee*, and *St. Louis* are considered as armored cruisers, total tonnage of armored cruisers would be 186,545, and total tonnage of battle ships and armored cruisers, 636,341.

On the question of efficiency, considering age and gun strength, the following tables are collated from the Navy Yearbook, pages 631 to 636, inclusive.

Approximate average age of completed battle ships and armored cruisers of the principal navies of the world.

Countries.	Battle ships.			Armored cruisers.		
	Number.	Combined age.	Average years.	Number.	Combined age.	Average years.
Great Britain	54	444	8¼	35	129	3⅔
United States	25	117	4⅔	12	45	3¾
Germany	22	145	6⅔	8	31	4
France	18	174	9⅔	18	114	6⅓
Japan	11	72	6½	11	62	5½

Armament on battle ships.

	11-inch.	12-inch.	13-inch.	Grand total.
Great Britain:				
Built	0	161	40	
Building	0	70	0	
Total	0	232	40	272
United States:				
Built	0	68	32	
Building	0	56	0	
Total	0	124	32	156
Germany:				
Built	56	0	0	
Building	32	60	0	
Total	88	60	0	148
France:				
Built	0	42	13	
Building	0	32	0	
Total	0	74	13	87
Japan:				
Built	0	36	0	
Building	0	32	0	
Total	0	68	0	68

Lord Brassey in his Naval Annual places United States second and Germany next to the United States, and Jane's Fighting Ships does the same.

In addition to the foregoing, let me remind you that the total tonnage, built and building, of Great Britain, the United States, France, Germany, and Japan is as follows:

	Tons.
Great Britain	1,669,005
United States	814,118
France	801,188
Germany	693,599
Japan	444,903

The two battle ships authorized in the present bill will add 52,000 tons to the battle-ship tonnage of the United States and make it very easily the second naval power in the world. And in my humble judgment there is no good reason why it should strive to be more, and I think there is sufficient reason why the ambition of the most strenuous advocate of a great navy should be abundantly satisfied. I think these figures clearly demonstrate that in the future under ordinary conditions there will be no necessity for so large an increase of our navy as is provided in the present bill. It should be remembered that every battle ship added to the navy causes an increase of officers and enlisted men to man her of about 900 men, adding about $1,000,000 each year as the cost for the maintenance of the ship. The construction of every battle ship demands the building of four torpedo boats and also additional cruisers and other auxiliary ships. At the present time we have six large battle ships building, and the two authorized in this bill will make eight. Last year I called attention to the fact that we were at that time, on a war basis, upon the complement of the ships built and building, short 22,701 men necessary to man the ships and were 1,846 officers short.

We are increasing our officers at the rate of about 150 a year. At the last session we authorized an increase of 6,000 enlisted men; and allowing for the two ships authorized in the present bill, we would still be more than 17,000 men short on a war basis and 14,000 short on a peace basis. In his last annual report, Admiral Pillsbury states that it takes, on an average, six years to train a man-of-war's man. With this large shortage of men and officers, both on a war and peace basis, to man our present ships built, building, and authorized, we can see what tremendous additional expenses are going to be imposed in the

near future, as soon as the ships now building are completed. I call the attention of the Congress to these matters at this time not for the purpose, intention, or desire to defeat the programme recommended in the pending bill, but for the purpose of attracting the attention of Members to the importance and necessity of arresting such extensive programmes of naval construction in the future. There is, in my opinion, no necessity for a larger navy than we now have, added to conservatively each year. There are many other demands pressing upon the attention of the Congress and demanded by the people calling for appropriations of large sums of money. The conservation of our natural resources, the preservation of our forests, the improvement of our rivers and waterways, meeting the just demands of our large agricultural interest, are important matters which should not be much longer neglected and which can not be given attention at the present time because of lack of money.

To meet these demands the cry is going up for the issuance of $500,000,000 of bonds. While not advocating a bond issue, I do claim there should be some spirit of economy shown toward the military side of our Government and some savings made, to be used to build up those phases and institutions of our national life and character which are the real and substantial evidences and manifestations of its manhood and civilization.

This Government is now and for several years past has been spending about 65 per cent of its total revenues on the military side of the Government. In my opinion, in a time of unexampled peace no Government can upon any reasonable basis justify such legislation. The revenues of the Government in a sense represent its active and productive energies; and legislation which devotes so large a share of the revenues to the military and so small a share to the civil institutions of the country fails properly to recognize and fully to appreciate the breadth and scope and magnitude of the opportunities offered and the duties resting upon the Government for the nobler and better purposes of the present-day government and humanity.

Eulogy on Hon. Llewellyn Powers.

REMARKS
OF
HON. GEORGE E. WALDO,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 31, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. LLEWELLYN POWERS, late a Member of this House from the State of Maine.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WALDO said:

Mr. SPEAKER: In the death of our friend LLEWELLYN POWERS this House has met with a distinct loss.

Governor POWERS was not one of the brilliant, showy Members. He seldom took part in debate, and was not himself one of the introducers of great measures. He was, however, one of the constant, laborious, unostentatious workers upon whom the real business of a legislative body rests; a man always present at the meetings of committees to which he belonged, nearly always in his seat at the opening of each daily session of the House, and an attentive listener to the discussions on the floor. During the four years that we sat together in the House Committee on Banking and Currency I came to know him well and to cherish for him a sincere friendship and regard.

He was frank and outspoken in his sentiments and did not hesitate to state strongly and vigorously his views upon measures and questions that came before that committee. His long and successful experience in business and in public life had naturally made him somewhat conservative in regard to measures for the reformation of our banking system. But when his experience and good judgment led him to believe a change in our present system was necessary and for the best interests of the banks and the people, he was strong and unwavering in his support of such change.

He was a man of great poise and self-control, and never let his support or opposition to measures in committee or on the floor of the House become a personal matter. Everyone felt that his support or opposition was only an expression of his honest views upon a public matter, which our colleague would not and did not allow to lessen his regard and esteem for other Members nor to interfere with their friendly relations.

He was a good man, a good friend, a valuable citizen and Member of Congress who will long be missed and his death sincerely regretted by his fellow-Members.

Eulogy on Hon. Llewellyn Powers.

REMARKS
OF
HON. JAMES T. LLOYD,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 31, 1909.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. LLEWELLYN POWERS, late a Member of this House from the State of Maine.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased"—

Mr. LLOYD said:

Mr. SPEAKER: Governor POWERS was an unusual man in many ways. He possessed a good intellect, a strong will power, and was of affable and courteous manner. He was always pleasant and attractive in conversation and forceful and practical in public speech.

He was decided in his convictions of right and wrong and determined to do right as he saw it. He was considerate of the views of others and recognized the right of another to differ from him. His long connection with public service and varied experiences in official position made him unusually helpful in legislation. Few men had a better grasp on current needs and practical remedies than he. He was a partisan in politics, but an independent thinker on all public questions. A man of wealth, but of the greatest simplicity in manner and dress. He was always approachable and could be reached by the humblest as well as those more fortunate. He gave attention to the details of business and had superior judgment in determining what course to pursue in a given instance.

Governor POWERS gave more attention to his official duties while in Congress than would be expected of one of his age and extensive possessions. He took quite an interest in everything that was assigned to his committee in Congress and passed on every question after careful investigation. Few young men were more painstaking in research than he was.

Governor POWERS was solicitous always of the welfare of his family and the education and the training of his children. He talked to me a number of times about them. He had definite plans for his children. He was methodical and thoughtful about everything pertaining to their future, as he was about the business, official or otherwise, that came to him.

He was a student of public questions and his opinions were worthy of the greatest consideration. While he was a Republican in politics and followed the leadership of his party, he had his own views and did that which in his judgment was best for his country. He said that he believed his party usually right, but if wrong in a given instance he would remonstrate; but unless conscience was involved he followed the final action of his party.

Last year during the consideration of the currency measures he openly announced his views in speeches on the floor and otherwise. He was so conscientious in his actions here that he asserted his differences as to a financial policy from his colleagues and refused to accept what he believed to be a scheme which would fail to bring relief to the people.

He was a man of good habits and lived an upright life. He had some decided views on religion. I remember of two conversations in which the questions of Bible lessons were involved and he expressed himself firmly in favor of the truth.

Governor POWERS has been missed more than most men here who leave us. He was especially helpful in counsel, but was a forceful and effective advocate on this floor as well. Death has claimed him as its victim. He has gone where his colleagues one by one must soon follow, into the beyond. Separa-

tions are sad, heartrending to family and friends; but what of the morn? Shall man survive the grave? Shall the hereafter bring the happy realization of the unity of the family circle?

It is not my purpose to philosophize as to the future, but to express in this presence my good fortune in having the acquaintance and in enjoying the friendship of so good a man as Governor POWERS. I regret his departure—it is a loss to me—but his life was helpful in its influence. Imperfections he may have had, but if so, bury them and rejoice in the good he did in public affairs and in private life. Cherish the good he did, emulate his righteous deeds, and remember always that a faithful public servant has passed away.

Agricultural Appropriation Bill.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 3, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910—

Mr. CANDLER said:

Mr. CHAIRMAN: I desire to discuss this bill for a short time, because, as is well known, since I have had the honor to be a Representative upon the floor of this House, I have always taken a lively interest in the appropriations made for the Agricultural Department. I have felt this interest because of the fact that I have believed, as I have stated heretofore, that the money expended for this department has accomplished more for the material development of the country than any money spent for any other governmental means which is being used, and that this department has accomplished more for the people than any other department of this Government, although, as I have attempted to show heretofore, and I think we all now agree, that it receives less appropriations in proportion than any of the great departments of the Government.

I am glad to see from the report of the committee, which is unanimous, that this bill carries an appropriation of $12,880,926, and that this is an increase of $1,208,820 over the appropriation for last year. While it is a large sum of money when we consider the amount of $12,000,000 for any purpose, still, when compared with the marvelous benefits which flow from the expenditure of this money, it is a very small amount. Because of the most beneficial results derived from the work of this department, I have insisted each year upon a liberal increase of appropriations to continue its work in proportion to the development of the country, and to keep pace with the many new problems constantly arising and demanding solution. I have made several speeches on this floor urging this policy. When I came to Congress the appropriation for agricultural interests was $3,922,780.51. This bill carries $12,880,926, nearly four times as much. I do not claim all the credit for this, but I do claim I have done my part to bring about this result. [Applause.]

I am proud of my part in this work, because we find upon investigation that the agricultural interest of this country is the interest to which we are compelled to look at all times to take care of the welfare of the country and to bring the balance of trade to our shores. But for the exportation of the agricultural products of the land we would in the past few years have had an enormous balance of trade against us, but because of the agricultural products the balance of trade is in our favor by billions of dollars.

The crop of this past year amounts to the enormous sum of $7,778,000,000. Any industry and enterprise which produces this marvelous sum is certainly entitled to the highest consideration at the hands of the Government, and should command the intense interest and careful study of the Representatives of the people. [Applause.]

I am glad to say that year by year the productions of the country have increased in a marvelous proportion, and, when we take into consideration this great development in considering what appropriation shall be made, it seems to me we might go to any reasonable length in the appropriations—not to be wasteful or extravagant, of course—to furnish sufficient money to carry on the work in all the lines and avenues and departments of this great enterprise.

I am glad to find that the Secretary of Agriculture reports that he has collected the agricultural imports and exports since 1851 down to the present time in five-year periods. I call your attention to his remarkable statement on this subject, which is as follows:

A compilation of the foreign trade of the United States in agricultural products has just been completed as far back as the fiscal year 1851, and for the first time the general results are here made public. Annual averages by five-year periods are used for better understanding.

In 1851–1855 the exported agricultural products of domestic origin were value at $150,000,000, and in the five years just before the civil war at $229,000,000. After that war the amount steadily grew by five-year periods to the great value of $875,000,000 in 1901–1905 and afterwards to $1,054,000,000 in 1907, the highest year of all.

The exports of agricultural products of foreign origin increased from $8,000,000, the annual average for 1851–1855, to $12,000,000 in 1901–1905, an amount that was not equaled in subsequent years.

The value of the imports of agricultural products at the beginning of the period under review was $68,000,000, as the annual average for 1851–1855. The average was progressive, to the last period, with the exception of two five-year periods, and for the five years 1901–1905 it averaged $455,000,000. The highest amount ever reached was $627,000,000 in 1907.

Upon striking a balance of trade the evidence of the most remarkable power of the farmers of this country to produce a national surplus is brought out forcibly. For the first period, 1851–1855, the annual average balance in agricultural products in favor of this country was $89,000,000; the civil war diminished this, but the rise afterwards was fairly steady but firm until the period of 1896–1900, when there was a quick increase in the balance to $387,000,000, after which the amount has been always more than $400,000,000, except in 1905, and in 1901 it was $571,000,000, the highest amount in history.

During the entire period until 1898 the farmer provided this country with a balance of trade in his own products which offset a part or all of the unfavorable balance in the international exchange of commodities other than agricultural. After struggling with the load for a quarter of a century, he was able to overcome the adverse balance in commodities other than his own in 1876, when he began to produce a favorable balance of trade in the total of all commodities, steadily, year after year, with the exceptions of 1888, 1889, and 1893.

The per capita values of the exports of agricultural products expressed in annual averages by five years show that they have more than double during the half century under review. The per capita value during the period 1851–1855 was $5.84, and this average grew with several irregularities to $10.88 for 1901–1905 and to $12.29 for 1907, the highest amount of record.

On the other hand, the per capital value of the imports of agricultural products increased from $2.67 for 1851–1855 to $6.25 for 1871–1875, an amount that was not equaled by any subsequent five-year average. The amount for 1907 was $7.30, which was higher by $1.05 than the great annual average for 1871–1875.

During the last nineteen years the balance of trade has been in our favor by the sum of $7,166,000,000, and we owe this glorious result to the farmers of this country, because, taking out agricultural products, the balance of trade would have been against us by many millions. This year the balance of trade in our favor because of agricultural products is the enormous sum of $488,000,000, while during the same period the balance of trade other than farm products was only $178,000,000. This year the agricultural balance was exceptionally high, and has been equaled only in 1898 and 1901. In discussing this matter the Secretary says:

The magnificent figures of the farmers' contribution to the exports of this country and to the favorable balance of trade are maintained in spite of this country's immense growth in population and extraordinary immigration of nonagricultural peoples, and also in spite of the diminishing fraction of the population that is engaged in agriculture. No analysis could more strongly indicate the progressive efficiency of the farmer's labor and capital and the telling effects of the agricultural sciences.

Of course we know that the great product of this country, the one that amounts to most in the value of production, is corn. Heretofore, up to this year, the next largest in amount of production was hay, remarkable to say; but this year cotton has taken second place in the value of the product and stands next in value to the production of corn.

It is to cotton, largely, however, that we must look to bring to our shores that medium of exchange, gold, that we need as a basis for our currency. This year we have exported in cotton alone, which brought gold to this land, the amount of $438,000,000. This crop amounted to something like $675,000,000, taking it altogether, the cotton seed as well as the fiber itself. Hence it is a great force that helps bring the balance of trade to our shores, and it is the great product which brings from the coffers of the foreigner that precious metal we need to secure prosperity to our land, and has contributed to a greater extent to this end than any other product we produce, because it has brought more gold to us than any other one product.

Now, then, Mr. Chairman, in view of this marvelous development of the great agricultural interest, because it is doing so much for our country and accomplishing so much for the prosperity of the people, I say it deserves the highest consideration at our hands. In considering its future, we should not overlook the fact that everything upon the face of the earth which the farmers are compelled to buy for their use in order to produce these great results is burdened with taxation. They pay more and get less than any other class of our people, and against this I most solemnly and earnestly protest and appeal to the

sense of justice of this House to give them relief. I introduced a bill during the past session of Congress, which is now pending before the Ways and Means Committee, to relieve them from some of these burdens, and I desire to call attention to it for a moment. It is H. R. 18335, and is as follows:

A bill (H. R. 18335) for the relief of the farmers of the United States by repealing the tariff duty on certain articles and placing said articles on the free list.

Be it enacted, etc., That immediately after the passage of this act the following articles, when imported, shall become and continue to be exempt from duty:

First. All kinds of agricultural machines and parts thereof, such as cotton gins, steam plows, and other high-power agricultural machinery, agricultural drills and planters, farm rollers, cultivators, manure spreaders, mowers, reapers, harvesters, hay tedders, potato diggers, fanning mills, thrashing and separating machines, and the like, including those machines dutiable at 20 per cent ad valorem according to paragraph 460 of the present tariff act of July 24, 1897.

Second. All kinds of agricultural tools and implements, such as plows, harrows, rakes, horserakes, hoes, spades, shovels, axes, hatchets, forks, and scythes, including those tools and implements dutiable at 20 per cent ad valorem according to paragraph 460 of the present tariff act; handsaws, now dutiable at 30 per cent ad valorem according to paragraph 168 of the same act; pruning knives, now dutiable at 40 per cent ad valorem and upward according to paragraph 153 of the same act; grindstones, now dutiable at $1.75 per ton according to paragraph 119 of the same act, and crowbars, hammers, sledges, wedges, and the like, now dutiable at 1.5 of 1 per cent per pound according to paragraph 144 of the same act.

Third. Horseshoes, muleshoes, and oxshoes, spikes, nuts, and washers, and nails of all kinds, now dutiable at from six-tenths of 1 cent to 2½ cents per pound according to paragraphs 160 to 163 of the same act.

Fourth. All kinds of vehicles peculiarly adapted to farm work, such as farm wagons, ox carts, lumber trucks, horse sleds and sledges, wheelbarrows, and the like; also all parts thereof, including axles, wheels, tires, chains, cart and wagon skeins, and the like.

Fifth. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, now dutiable at five-tenths of 1 per cent per pound according to paragraph 129 of the same act.

Sixth. Iron or steel wire rods for making rivets, screws, nails, and fencing, now dutiable at four-tenths of 1 cent per pound and upward according to paragraph 136 of the same act.

Seventh. Harness and parts of harness, suitable for animals engaged in farm work, now dutiable at 45 per cent ad valorem according to paragraph 447 of the same act.

Eighth. Bagging for cotton or for wheat or other grain, gunny cloths, and similar fabrics, suitable for covering cotton or grain, composed of single yarns, made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard, now dutiable at six-tenths of 1 cent per square yard according to paragraph 344 of the same act.

Ninth. Cloths, knit fabrics, flannels for underwear, and all other manufactures made wholly or in part of wool and valued at not more than 40 cents per pound, and ready-made clothing and wearing apparel of every description composed wholly or in part of wool and valued at less than $1.50 per pound, now dutiable at rates averaging 100 per cent ad valorem according to paragraphs 366, 367, and 370 of the same act.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This is a bill for the relief of the farmers of the United States and if passed would save them millions of dollars by repealing the tariff duties on the articles therein named. I feel that in justice to the farmers these agricultural implements that are used by them and with which they produce untold wealth should be placed on the free list, so that they might at least have the benefit of having the implements which they use to produce these benefits relieved from taxation in order that they may obtain them at the lowest possible price, and especially is this true when we find these very same implements are sold abroad to foreigners more cheaply than they are sold in our own country to our own people. This is one matter that I present, because I desire at this time it shall receive consideration in view of the fact that it is promised at the coming session of Congress, which will be a special session, to be called by the incoming President, that these schedules will be revised, and we will put upon the statute books a new tariff law that will fix schedules upon these as well as upon everything else upon which the taxes are levied. Therefore in view of the fact that the tariff bill is in course of preparation and will receive the attention of Congress at the coming special session, I desire to call attention especially to this bill at this time and earnestly urge its careful consideration, not only by the Ways and Means Committee but by the membership of the House.

Another question in which the farmers are vitally interested is the question of dealing in futures. I introduced a bill also upon this question. The farmers throughout the land are demanding the consideration of this question, and demand that some law shall be passed that will relieve them from the conditions that exist. This bill is as follows:

A bill (H. R. 14641) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon margins as a part thereof, and for other purposes.

Be it enacted, etc., That the term "depend upon margins as a part thereof" as used in this act shall include all transactions which in any wise depend upon or include margins as any part of the making, progress, or settlement thereof, or which do not, in good faith, in all transactions of sale and purchase, contemplate the actual delivery by the seller to the buyer of the thing or things represented or contracted to be sold, and the failure of the seller to make actual delivery to the buyer, or the failure of the buyer to, in good faith, make legal demand of the seller for the thing or things represented or contracted to be sold, shall be sufficient proof to establish the character of the transaction.

SEC. 2. That it shall be unlawful for any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association, or any person or persons within the jurisdiction of the United States of America, to receive, deliver, transmit, or convey any interstate or foreign message or other information of any character or description to be used in any manner connected with or in furtherance of any interstate or foreign transaction that depends upon margins as a part thereof. Any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor for each and every violation of the same, and upon conviction thereof shall pay the United States a penalty of not less than $10,000 for each offense, and any person violating any of the provisions of this act shall be deemed guilty of a felony for each and every violation thereof, and upon conviction shall be punished by a fine of not less than $10,000 and imprisonment in the penitentiary for some period of time not less than ten years.

SEC. 3. That interstate or foreign transactions of any kind whatsoever that depend upon margins as any part thereof is hereby declared to be unlawful, and whoever shall engage in or be a party to any transaction of the character herein forbidden, in the United States of America, shall be deemed guilty of a felony, and upon conviction shall be fined in any sum not less than $10,000 and imprisoned in the penitentiary some period of time not less than ten years.

SEC. 4. That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind, containing money or other representative of value, or information of any character to be used in any manner connected with or in furtherance of any interstate or foreign transaction that depends upon margins as any part thereof, shall be carried in the mails or delivered at or through any post-office or branch thereof, or by any letter carrier or other postal agent or authority. Whoever shall knowingly deposit, or cause to be deposited, or who shall knowingly send, or cause to be sent, anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than $10,000 and be imprisoned in the penitentiary for some period of time not less than ten years.

SEC. 5. That the judges of the district courts of the United States are hereby directed to give this act in charge to the grand juries of their respective courts at each sitting of the court, and the evidence of either party to a transaction prohibited herein shall be deemed to be sufficient proof to warrant an indictment and sustain a conviction hereunder.

SEC. 6. That all laws in conflict with this act be, and they are hereby, repealed.

If passed, this bill would accomplish the result desired and grant one specific act of legislation demanded by the great agricultural interests of this country. It ought to pass. The farmers have a right to demand it, and I appeal to you to consider it. If you refuse to do so, then prepare to render an account to the great mass of the Americans, who are the "bone and sinew" of the land and who produce the wealth of the country on the farm.

Another matter in which the farmer is vitally interested is good roads. He is asking for national aid for this purpose. When he furnishes us a balance of trade in the past few years of $7,000,000,000, why not appropriate forty or fifty millions to begin this great work? Money could not be spent to a better purpose. Improve the roads, make means of communication pleasant in the country and you will stop the flow of population from country to town and city, you will bless humanity and prosper all the people. [Applause.]

Now, in conclusion, Mr. Chairman, let me say if we grant to the agricultural people of this country the relief to which they are entitled at our hands, and which they are demanding, we will bring prosperity not only to them, but to every class and every trade and every avocation and calling in this country [applause], because whenever you help the very foundation upon which everything else stands, whenever you help him who helps everybody else, then you help every other one engaged in every avocation and calling and trade and profession and business throughout this broad land, from one end of it to the other. [Applause.] Hence, when we furnish the prosperity to the farmer we scatter it like the sunshine of gladness from one end of the country to the other, because it goes into the homes, around the firesides, and into the lives and hearts of all the people of all classes and of all callings and professions. We should do this as a matter of duty to him. We owe it to him as his representative. We owe it to him, because of the fact, as shown by the statistics I have quoted, he does more for the prosperity of the country and for the welfare of the Nation than all the others. Whenever we respond to the demands or requests which will give to him these blessings, then we discharge a high duty not only to him but to ourselves, and we discharge a great duty which we owe to the great country in which we live, because through him we not only bless his home and his surroundings, his community and neighborhood, but we bless the whole country by bringing to all prosperity that makes gladness and joy and furnishes peace and happiness.

Mr. SIMS. I would like to ask the gentleman a question. Does the gentleman sympathize with the efforts of the uplift commission to help the farmer along?

Mr. CANDLER. Mr. Chairman, may I ask if the gentleman approves it?

Mr. SIMS. I am asking for information, as I regard the gentleman from Mississippi [Mr. CANDLER] our leader on this side of the House on all such matters.

Mr. CANDLER. I am in favor of anything that will uplift the agricultural interests of this country, and if that commission will do it, I favor it, though I do not, as a rule, favor commissions. The people's Representatives should directly attend to the business affecting the country's interests and render an account to those who send them here. I favor, however, anything on the face of the earth that will uplift the agricultural interests of the country and relieve it of the burdens under which it has labored so long, and I will gladly join hands with anything or anybody to bring about that great result. [Great applause.] To continue the great work of the Agricultural Department, I hope the Hon. James Wilson will remain in the Cabinet of President Taft as Secretary of Agriculture, because he is the farmer's friend, a statesman, and a patriot, a benefactor of the whole country, an American citizen of whom we are all proud. [Tremendous applause.]

Statehood Bill.

SPEECH

OF

HON. WILLIAM C. HOUSTON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Mr. HOUSTON said:

Mr. SPEAKER: As a member of the Committee on the Territories, I want to give expression to the strong sentiment that exists in my district in favor of the admission of these States into the Union. Many of the inhabitants of these Territories are the sons and daughters of my constituency, who have wished for and expected statehood for these Territories for years. I am glad that to-day there is no opposition made to this measure admitting New Mexico and Arizona as States in the Union and of adding these two stars to our flag. This long-delayed privilege of becoming States in this great Republic they are entitled to by every condition and right. They have the population, the wealth, and civilization to enter into this Union, strong-handed and able to add glory and strength to the United States.

It is unnecessary now to take up the time of this House or to dwell upon their resources, their strength and power, and their fitness. These have been presented to this House fully and repeatedly, and are admitted by all to-day. They have the will and the desire to come, and have cherished it long. This patriotic desire bespeaks a loyalty and assures a spirit that will make them worthy members of the Republic. They are bone, sinew, and blood Americans, and every patriot should welcome them.

Their right to statehood rises above partisan spirit or party consideration. It is simple justice to them and no more. Their desire to become States has been so long cherished, with a full knowledge of our institutions and the rights and privileges of statehood, that they are prepared for the step. Every true American must applaud this earnest desire and continued effort. And the diligence and patriotism that has inspired their Delegates on the floor of this House must challenge the admiration of the people of America. The distinguished Delegates from Arizona and New Mexico are entitled not only to the approval of their constituency, but the commendation of all who have seen their persistent and untiring efforts in this behalf. I know their constituency will appreciate to the full measure their efforts as do the Members of this House.

To those of us on this side of the House who hold such high esteem and sincere regard for the gentleman from Arizona, familiarly and affectionately called MARK SMITH, it is a matter of great joy that he to-day has the promise of success and reward to his long and industrious work to get Arizona admitted to statehood.

I rejoice, Mr. Speaker, to realize that if New Mexico and Arizona are not made full-fledged States of this Union before this Congress expires on the 4th of March next, it will not be the fault of this House.

Salary of the Secretary of State.

SPEECH

OF

HON. OLLIE M. JAMES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. OLLIE M. JAMES said:

Mr. SPEAKER: I am opposed to the passage of this bill, because it is not only violative of the letter and the spirit of the Constitution, which we have taken an oath that we will uphold and support, but it is special legislation of the most pronounced character. When the Constitution of our Republic was formed by the fathers, they exhibited exceeding great wisdom in providing a constitutional bar against a Senator or Member of the House voting to create an office or to increase the pay of an office and then become a beneficiary of his own act. In other words, it is made impossible by this constitutional inhibition for a Member of Congress to vote the money of the people out of the Treasury indirectly into his own pocket, and therefore they were made ineligible to either hold office created during the term for which they were elected or to enjoy the increased salary of such office during the time for which they were chosen. The constitutional provision is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding office under the United States, shall be a Member of either House during his continuance in office.

This is the exact language of our organic law. It did not provide that if he voted for such an increase he should be ineligible, because the framers of that great instrument foresaw that it would be possible for a Member to exert his great influence to create the office or to raise the salary of the office, and after he had procured enough votes to pass it, to refrain from voting for it, or, indeed, to vote against it, in order to relieve himself of the fiercest criticism and yet become the beneficiary of his indirect act. So the Constitution provided that if an office shall have been created or the emoluments thereof increased while he was a Member, irrespective of how he voted, or whether he voted at all, he should be ineligible to hold it. Now, this bill, Mr. Speaker, stripped of all its subterfuge, unmasked of all deception, is a bill for the relief of Senator P. C. KNOX. It is to make him eligible, as the advocates of the bill contend, to hold the office of Secretary of State, which office all gentlemen upon the floor admit he is now ineligible to hold, because he was a Member of the Senate when the salary was increased. In other words, gentlemen are undertaking by this character of sleight of hand, of hocus-pocus, of "now you see it and now you don't," to remove by an act of Congress a constitutional obstacle. I maintain the position that the Constitution can not be amended by an act of Congress, that it can not be evaded by an act of Congress.

This bill, having for its purpose to make him eligible by reducing the salary to $8,000 while it leaves all the other members of the Cabinet drawing $12,000 per year, fixes the highest position in the Cabinet, that of Secretary of State, the first position in the Cabinet, at $8,000. This is so manifest upon its face that we all appreciate the frankness of the chief advocates of the bill when they boldly declare that it has but one purpose, and that is not to reduce the salary, but to put Mr. KNOX in the Cabinet. This is further shown by the fact that the bill is brought in under a parliamentary status where an amendment is out of order—that is, an amendment to reduce the salaries of all Cabinet officers to a like level of $8,000—but it leaves all these salaries at the amount to which they were increased and for which Senator KNOX voted, and merely for the purpose of trying to remove a constitutional obstacle this bill is presented.

The Constitution of our country speaks the same language to all men alike, the great and the small, the rich and the poor. It should fall, like the sunshine, upon all alike. When labor comes, with its sooty hands, begging legislation in its interest, the Constitution is held up to them as a mighty mountain that can not be removed. When the farmers, who labor from early morn till the shades of night, call for relief, that the burden they bear may be made lighter, the Constitution is held up to them as a law of the Medes and the Persians that can not be changed except by the voice of the people. Let this Congress not establish a rule that the Constitution is easily evaded by some and wholly immovable for others.

Let these great men, who are famed as constitutional lawyers, not seek to create distrust of this great instrument by legislation so questionable. Mr. Speaker, Mr. Taft has been elected President of the United States. I resisted to the uttermost his choice by the people, yet I would not throw one obstacle in the way of his selection of any man as a member of his official family. Indeed, this is my country, as well as his, and I hope the Government may be administered in justice and prosperity. Of course I regret that these eminent lawyers—Mr. Taft and Senator KNOX—had not thought of this constitutional objection when Mr. Taft announced the appointment of Senator KNOX as Secretary of State. Yet it would seem that this would have presented itself to such astute and profound gentlemen as they are, because Mr. Taft was a member of the Cabinet when the salary was raised and had been drawing the increase up to the time when he resigned. Yet it escaped him and Senator KNOX alike. But it is too much now to come and ask Congress to be a party in an undertaking to set aside the Constitution in the interest of any man. Certainly in the long line of illustrious men who advocated the election of Mr. Taft and who believed with him in the principles of the Republican party sufficient genius can be found to fill the place of Secretary of State aside from the choice he has made.

If Congress can by such manipulation as this tear down the bulwarks of the Constitution, then what is to be the final result? Offices can be created, innumerable salaries can be raised mountain high, Members of Congress can be appointed to them, and congressional legerdemain can relieve them temporarily from this constitutional objection. The Treasury can be looted; all this can be done when once you destroy the constitutional safeguards thrown around the people's Treasury. I should gladly vote to reduce the salaries of Cabinet officers to $8,000 if I had the opportunity, as I voted against their increase when it became a law; but, in my judgment, if this precedent is to be established, then the unwisdom of it will be many times established and regret for this action often expressed, and the Treasury will suffer in consequence. It is better to stay upon the beaten path the fathers trod, upon the broad highway of the Constitution. This, and this alone, is the way of safety, whether we are dealing with the humblest citizen or the greatest genius.

Salary of the Secretary of State.

SPEECH

OF

HON. WILLIAM G. BRANTLEY,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. BRANTLEY said:

Mr. SPEAKER: It is unquestionably true, as has been stated, that the pending bill, which simply reduces on and after March 4 next the salary of the Secretary of State, does not in and of itself raise any constitutional question, for the power of Congress to reduce this salary is not open to debate. Can any Member of this body, however, vote for this bill without taking into consideration its real purpose, which purpose does involve a constitutional question? It is necessary to bring into view this real purpose in order to find, not a justification, but an excuse for voting for it. The bill on its face proposes a discrimination and an injustice that needs to be defended. Its only declared purpose is to fix the salary of the Secretary of State, who is commonly known as the "premier of the Cabinet," at a less amount than is fixed by law for every other member of the official family who will sit around the Cabinet board with him. The bill not only thus singles out the high and honorable post of Secretary of State for this discrimination, but its effect carries this discrimination yet farther, for when it has become a law the Undersecretary of State, who will then have been created, will have an allowance for his compensation $2,000 a year greater than that provided by this bill for his chief. It is not claimed by anyone that there is any spirit of economy back of the proposed reduction, but on the contrary its real purpose is not only known, but has to be known in order to find any supporters for it. That purpose is to qualify for the office of Secretary of State a distinguished Senator who would otherwise admittedly be disqualified. The constitutional question that is therefore involved in this purpose of the bill is thus directly before the House for each Member to solve for himself.

I have no disposition to find fault with those who have elected to solve it in a manner different from that chosen by me. I am content to stand on my own judgment, leaving to others, uncriticised by me, to do the same thing for themselves. In 1 Ohio State Reports, 83, McCook's New Series, the court says:

> The legislature is of necessity in the first instance to be the judge of its own constitutional powers. Its members act under an oath to support the Constitution and in every way are under responsibilities as great as judicial officers. Their manifest duty is never to exercise a power of doubtful constitutionality. Doubt in their cases, as in that of the courts, should be conclusive against all affirmative action.

Under this rule, which, in my judgment, is the true rule to govern legislative action and is most admirably stated, I can not vote for this bill. I freely concede the great ability and the high character of the distinguished and honorable man for whose advantage the bill is proposed. I also concede the importance to the incoming administration, and as well to the country, to have him fill the office of Secretary of State, but important as these things may be and are, I conceive it to be more important to preserve the Constitution. I am in no sense responsible for the coming into power of the new administration, but I have too much respect for the President-elect and feel too kindly disposed toward the success of his administration to vote for this bill, for I believe that the protests heard here are but the beginning of the storm that will break upon the dawn of his administration should this bill become a law and its purpose be carried into effect.

The immediate and direct effect of this bill, in calling into office an able, courtly, and accomplished gentleman, will not be bad, but its effect in setting a precedent for the evasion of the plain language of the Constitution will be tremendously bad. When we consider only the practical purpose of the bill, it does not appear to be of very great importance, but it is impossible ever to measure the importance of a departure from the Constitution. If it is not important to adhere to the Constitution, then there is nothing under our system of government that is important.

The question presented to us, it seems to me, is a very simple one, and one that, with all due deference to the opinion of others, I do not see any room for differences of opinion upon. Paragraph 2, section 6, Article I of the Constitution reads:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

On February 26, 1907, there was approved an act which, among other things, increased the salary of the Secretary of State from $8,000 to $12,000. This act has been in force for nearly two years, and the increased salary provided for has been duly and regularly paid. At the time this act became a law the Senator in question was a Member of the Senate for a term not yet expired, and which will not expire until March 3, 1911. Applying the facts to the law declared in the Constitution, no one can say that Mr. KNOX is now eligible to become Secretary of State. The introduction of the pending bill is an admission of his ineligibility, and everyone, as I understand the situation, admits that he is now ineligible.

The question presented to us is, Will the pending bill remove the ineligibility? It is important to determine first what has caused the ineligibility; for if it be a mere act of Congress, Congress can repeal it, but if it be the Constitution Congress can furnish no relief. The act of February 26, 1907, is the only act that in any way relates to the subject, and that act has no word of disqualification or ineligibility in it, and if it be repealed there will be nothing about disqualification or ineligibility repealed, for the act does not deal with these subjects. The repeal of this act will not and can not repeal the fact that under it the salary of the Secretary of State was actually increased and paid.

The records of the Treasury Department will continue to show after the repeal of the act that for a period of two years, during the time for which Mr. KNOX was elected to serve as a Senator, the emoluments of the office of Secretary of State were increased. Is it this increase of emoluments that has brought about the disqualification? It would not be correct to answer this in the affirmative, for a mere increase of the emoluments, if no more appeared, would not disqualify. The increase of the emoluments, however, is the fact that brought into play the Constitution, and it is the Constitution and not the increase of emoluments that has accomplished the disqualification. Gentlemen on the other side give away their case completely when they admit, as they have to admit, that Mr. KNOX is now disqualified, for if he is disqualified at all he is disqualified for the full constitutional period, which is "during the time for which he was elected." If he is not now disqualified, there is no necessity for this bill, and if he is disqualified it is because the Constitution has disqualified him for a fixed and certain period that is beyond the power of Congress to change. Under the Constitu-

tion he must be disqualified "during the time for which he was elected," or else he is not disqualified at all. For my own part, I can see no escape from this conclusion. The section of the Constitution in question is plain and unambiguous. Chief Justice John Marshall said (9 Wheaton, 4):

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the idea they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

If we must, therefore, assume that the framers of the Constitution meant what they said, and I so assume without regard to their purpose, it necessarily follows that no Senator, during the time for which he was elected, can be appointed to any civil office under the authority of the United States the emoluments whereof shall have been increased during such time. It would have been a very simple matter for the framers of the Constitution to have added a proviso permitting a revocation of the increased emoluments and a consequent removal of the prohibition against appointment, but in their wisdom they did not see fit to do so, and neither this Congress nor any other Congress can supplement their work by doing it for them.

Mr. Chief Justice Marshall also said (4 Wheaton, 370):

> But, if in any case the plain meaning of a provision, not contradicted by any other provision in the same instrument, is to be disregarded because we believe the framers of that instrument could not intend what they say, it must be one in which the absurdity and injustice of applying the provision to the case would be so monstrous that all mankind would without hesitation unite in rejecting the application.

So, Mr. Speaker, those who would disregard the plain meaning of the Constitution in this case, because they can not believe the framers of the Constitution ever intended that Senator KNOX should be kept out of the office of Secretary of State for the short period of two years, simply because he was a Member of the Senate when the emoluments of that office were increased, must be prepared to demonstrate that the application of the constitutional prohibition against him will work an absurdity and injustice so monstrous that all mankind will protest against it. I do not suppose that any gentleman here believes that such a demonstration can be made, and yet it is required to be made under the rule of construction laid down by Judge Marshall in order to disregard the plain meaning of the language of the constitutional provision involved.

Gentlemen say, however, that when this bill is passed and the 4th of March comes around Senator KNOX will not then be disqualified, because at that time the increased salary will not be in operation, and he therefore can not profit by it, and that the time to judge of his qualification for the office is the time when he is appointed to it. They say that at that time the reason for the constitutional prohibition will have ceased and that with the elimination of the reason for it the constitutional prohibition itself will cease. The language of that part of the constitutional provision in question does not, I submit, authorize any such construction. The latter part of the provision does admit of such construction, and in fact no other construction could be placed upon it. This latter part reads:

> And no person holding any office under the United States shall be a Member of either House during his continuance in office.

Under this language a Cabinet officer can not be a Senator, but such Cabinet officer can resign his Cabinet position and ipso facto he is at once eligible for the senatorial toga. The prohibition against him is limited only "during his continuance in office" as a member of the Cabinet, and the moment he ceases to be a Cabinet officer that moment the prohibition ceases. This is the plain meaning of the latter part of the constitutional provision, but no such meaning can be given to the totally different language employed in the first part of it.

A reference to the debates in the Constitutional Convention and to every treatise on the Constitution that I have read shows that the purpose of the latter part of the provision was to prevent a man while under executive influence from being a lawmaker, and that the purpose of the first part of the provision was to prevent executive influence and improper influence of every kind being exerted on the mind of the lawmaker at the time of making laws. The language—

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States or the emoluments whereof shall have been increased during such time—

was not designed primarily to keep Senators and Representatives from holding certain civil offices, but was designed to keep Senators and Representatives from voting to create improper and unnecessary offices and from voting for improper and extravagant emoluments. It was designed to remove from them the temptation or the hope of personal profit by such improper votes. Clearly this could not be accomplished unless the prohibition immediately attached and became effective the moment the new office was created or the emoluments were increased. If there is to be any disqualification, therefore, it is a disqualification that begins immediately upon the happening of either of these things, and once it begins it must by the very letter of the Constitution continue "during the time" for which the Senator "was elected." That this is the true construction of the Constitution it seems to me is made plain by the following quotation from Rawle on the Constitution (chap. 19, p. 188):

> A Member of either House may be appointed to an office existing previously to his being elected if the emoluments of it have not been increased during the time for which he was elected. But if a new office has been created, or the emoluments of an old one increased during that time, the promise or the chance of receiving an appointment to it, may have an undue influence on his mind. Such an appointment is, therefore, forbidden by the Constitution, during the time for which he was elected, and it is only to be regretted that it was not forbidden altogether.

This construction was strikingly upheld in the case of Governor Kirkwood by Attorney-General Brewster. Governor Kirkwood had qualified as a Senator for a term that did not expire until March, 1883, but during his term had resigned to accept the office of Secretary of the Interior, and had subsequently, but within the period of the senatorial term to which he had been elected, resigned this office and retired to private life. After his retirement from the Senate and on May 15, 1882, there was approved an act creating the office of tariff commissioner, and the question submitted to the Attorney-General was as to his eligibility to be appointed to this office before the senatorial term to which he had been elected had expired. Attorney-General Brewster held that he was not eligible. He said:

> The rule is absolute as expressed in the terms of the Constitution, and behind that I can not go.

In this case it will be noted that Governor Kirkwood was not a Senator when the new office was created, and therefore was not and could not have been improperly influenced to create it, and gentlemen who talk about the reason for the constitutional prohibition will do well to inquire as to the "reason" for Governor Kirkwood's ineligibility. There was no "reason" other than the mandate of the Constitution, and, so far as I know and believe, there is no "reason" now for Senator KNOX's ineligibility other than this same mandate. If the rule is absolute when applied to the appointment to an office newly created, is it not just as absolute when applied to the appointment to an office the emoluments of which have been increased?

Attorney-General Brewster thought it was the Constitution that disqualified Governor Kirkwood, and behind that, he said, he could not go. Has Congress any more power to go behind the Constitution than he had? Gentlemen say, however, that Congress will not be going behind the Constitution to pass this bill. That is very true, directly speaking, but when Congress passes this bill, it will be an invitation extended by Congress to the President-elect to go behind it and an invitation coupled with the assurance of the Congress that to go behind the Constitution is an entirely proper and correct thing to do. I am not prepared to extend the invitation or to give the assurance.

The proposed legislation is objectionable aside from any constitutional question, for it seems to me to be unseemly and in violation of the proprieties and of good legislation in many ways.

It proceeds upon the theory that there is only one man in the United States competent and worthy to hold the position of Secretary of State. What a lamentable condition we have fallen into to adopt this theory! It proceeds upon the further theory that the man who occupies the post of Secretary of State must be a man of wealth, for whom salary has no charm. Why should the poorer man be ruled out from this office? The discrimination and inequality created by this bill may cause serious complications.

Suppose after it is passed Senator KNOX does not take advantage of it; then what? Again, is the reduction to be permanent? Nobody believes that. When the increase is made there will follow a new period of disqualification, and again it may become necessary to reduce the salary in order to let some other favored and chosen son occupy a desirable post. What a commentary upon the work of the fathers that Congress can take one of the mandatory provisions of the Constitution they framed and play hide and seek with it!

The travesty on constitutional law that is to-day being prepared for is clearly shown when we note that under this bill it is proposed that Mr. KNOX, while remaining for two years ineligible to every other cabinet office (the salaries of all having been increased at the same time), shall, on March 4 next, be

eligible for the office of Secretary of State. Think of a constitutional provision under which, on March 4 next, Mr. KNOX will be ineligible to hold the office of Attorney-General, an office that he has already ably and creditably filled, but will be eligible to hold the office of Secretary of State!

Mr. Speaker, if this bill becomes a law, which it probably will, and if the purpose of it is executed, which I pray it may not be, then the promise of constitutional government during the next four years will be dim and shadowy, and the hope that has been builded upon the incoming administration will be shattered and destroyed. This bill is the first step toward the establishment of a dangerous precedent, and I must decline to take it.

Salary of the Secretary of State.

SPEECH

OF

HON. WILLIAM P. KIMBALL,

OF KENTUCKY.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. KIMBALL said:

Mr. SPEAKER: I desire to protest against the enactment of this legislation, the plain purpose of which is to nullify a provision of the Constitution, the wisdom of which has never before been called into question. In so doing I disclaim any partisan feeling or any hostility to the President-elect or to the Senator whom he desires to have serve as the premier of his administration.

Senator PHILANDER C. KNOX is a good lawyer, probably one of the ablest on the majority side of the Senate. William Howard Taft's long service on the bench ought to have thoroughly acquainted him with the principles of our jurisprudence. By all of the traditions of the profession both should be engaged in upholding and preserving the Constitution and the laws of the land instead of encouraging and supporting a measure devised for the purpose of evading a plain provision of the Constitution. How can the masses of the people be expected to respect the law and reverence the Constitution when the great leaders of the profession seem to regard our organic law as a mere village ordinance, to be altered or repealed at the whim or caprice of the village fathers?

Article I, section 6, of the Constitution provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

It is admitted that during the present term of the junior Senator from Pennsylvania the salary of the Secretary of State was increased from $8,000 to $12,000 and that he voted for the increase.

The moment the law providing for such increase in salary became operative by executive approval the Senator became ineligible for appointment to the office of Secretary of State until the time for which he was elected had expired. When that ineligibility once attached to him, it could not be removed save by the removal of the prohibitory clause of the Constitution.

I suppose that no one will contend that Congress can repeal the Constitution or any part of it any more than it can enact a valid ex post facto law.

It has been stated here that the debates in the Constitutional Convention on the adoption of the section now sought to be nullified show that it was not the intention of the framers of the Constitution that it should apply to a case like this. I have not had the time to examine the debate, and am therefore unable to say what was spoken in regard to the purposes for which it was made a part of the organic law. But what the framers said on that occasion would have little bearing on the merits of the legal proposition here involved. It is an elementary principle of statutory construction that the expressions of the legislators at the time of the adoption of a statute are not at all conclusive of legislative intent. The intent is to be gathered from the language of the statute itself, the conditions prevailing at the time of its adoption, the evil to be corrected, the right to be protected, or the wrong to be prohibited, as the case might be. The utterances of those enacting the statute possess the least significance of all the factors to be considered in its construction.

I wish the incoming President a happy and successful administration of his great office. I trust that in the discharge of his duties he will substitute sane conservatism for hysteria and practical statesmanship for gallery playing. But for his own reputation, as well as that of the great Senator from Pennsylvania, I hope he will not begin that administration with a Secretary of State in office whose right to hold the office is, to express it in the mildest possible term, questionable.

Rutherford B. Hayes was a man of blameless life, so far as his personal character and manner of living were concerned. But yielding to party emergency he accepted the Presidency, an office to which he was not elected; and, as a result, his memory is only kept alive by that fact and the further fact that a great metropolitan newspaper printed his picture on the first page with the word "Fraud" in large black letters stamped on his forehead.

The passage of this bill and the assumption of the portfolio of state by Senator KNOX will mar his fame as long as his name is remembered among men.

Believing that a strict construction of the Constitution and a faithful observance of its provisions by those in authority under it is the only sure guaranty of the perpetuity of free republican institutions, I trust that the House of Representatives will not put itself on record as saying, in the language of the New York Congressman, "What is the Constitution between friends?"

Salary of the Secretary of State.

SPEECH

OF

HON. COURTNEY W. HAMLIN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. HAMLIN said:

Mr. SPEAKER: The attempt has been made by some of the proponents of this measure to conceal the real object in its passage by saying it is not an attempt to evade a provision of the Constitution, but simply a bill to reduce the salary of the Secretary of State from $12,000 to $8,000 per annum.

This excuse is entirely too thinly veiled to mislead any intelligent person. If it were only an attempt to reduce the salary, then it is my deliberate judgment that every man now advocating the passage of this bill would be opposing it. You Republicans have not made yourselves famous in the past for reducing salaries, but the exact opposite is true.

If the purpose is simply to reduce the salary, then why only cut down the salary of the chief officer of the Cabinet? Why not include the salaries of all the Cabinet officers?

I a few moments ago submitted a parliamentary inquiry to the Speaker, which was, "Is this bill subject to amendment?"

The Speaker ruled that it was not subject to amendment. If he had ruled otherwise, I had ready and was going to offer an amendment reducing the salaries of all the Cabinet officers from $12,000 to $8,000 per year, so as to make them all equal.

That the real purpose of the bill is not to simply reduce the salary is apparent when you consider the fact that there is now in conference a bill creating a new office, known as "Undersecretary of State," at a salary of $10,000 per year, and another bill pending, and will doubtless pass, increasing the salaries of the Speaker, Vice-President, President, and all the federal judges almost double. It looks to me like a poor way to economize.

Think of the anomaly of a subordinate in the office drawing $2,000 per year more salary than his chief.

No, Mr. Speaker, the real and only purpose of this bill is if possible to render Senator KNOX eligible to hold the office of Secretary of State in the Taft Cabinet. I have no objection to Senator KNOX holding that position; in fact, would like to see him have it if he were eligible; but if, in order for him to take it, the Constitution is to be ignored, evaded, yea, positively violated, then I do not want to see Mr. KNOX Secretary of State.

That his selection under the circumstances would be a violation of the Constitution I have no doubt.

The second subdivision of section 6 of Article I of the Constitution provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc.

Now, Mr. KNOX is a Senator, and his term as Senator will not expire by operation of law for two years yet. The "emolu-

ments" of the office of Secretary of State have been "increased" during the time Mr. KNOX has been Senator. The office to which Mr. Taft proposes to appoint him is a "civil office under the authority of the United States." These facts, all agree, clearly render Mr. KNOX ineligible to this appointment unless some way can be found to circumvent the plain provisions of the Constitution.

Mr. Speaker, the question is simply this: Can you evade this plain provision of the Constitution by simply repealing the statute increasing the salary of the Secretary of State? I think not. You will observe there are two things—just two things—under this provision of the Constitution which render every Senator and Representative ineligible to "be appointed to any civil office under the authority of the United States" during the term for which he is elected:

First. If the office was created during the time he was a Member of Congress.

Second. If the salary of the office was increased during the time he was a Member of Congress.

These two inhibitions stand exactly on the same footings. If you can evade one by legislation you can evade the other.

Instead of increasing the salary, suppose the office of Secretary of State had been created during the time Mr. KNOX was Senator? Then, according to your ideas and logic, the way to make him eligible to hold the office prior to the expiration of his term as a Senator would be to pass a law abolishing the office; then you would find yourselves in this ridiculous position of having a willing "Barkis" but no office for "Barkis" to fill. Yet this provision is no more a bar to his eligibility than is the other, but you propose getting around the other by simply reducing the salary to where it was before Mr. KNOX came to the Senate and to keep it there until the term for which he was elected a Senator shall have expired, and then put the salary back to $12,000 and perhaps more.

A shameless subterfuge—a reckless disregard of the fundamental law of the land.

This mode of procedure, it seems to me, would evoke some surprise and astonishment if advocated by the Roosevelt administration; a fortiori ought it to create surprise when advocated by Judge Taft and Senator KNOX, two of the foremost lawyers of the country and both of whom will take an oath to support the Constitution of the United States. Yet if this bill becomes a law and Senator KNOX accepts this appointment, the Taft administration will start off with an open violation of the Constitution, which, above all things else, ought to be held sacred and inviolable if our beloved country shall continue to exist and the liberties of our people shall be preserved.

Salary of the Secretary of State.

SPEECH

OF

HON. JOHN C. FLOYD,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. FLOYD said:

Mr. SPEAKER: I desire to present my views in opposition to the pending measure. I regard it as unfortunate for the country that at the outset of a new administration a contingency should have arisen which has led those in authority to demand legislation of such a questionable character. The bill under consideration relates wholly to the salary of the Secretary of State, and on its face is a simple proposition to reduce the salary of that officer to $8,000 per annum. That within itself could do no harm, but the real purpose of the bill is to remove the disqualifications of a Senator to hold the position of Secretary of State under the next administration, who, by reason of a former act of Congress passed during his term of office, increasing the emoluments of all Cabinet officers, is rendered ineligible thereto by the Constitution of the United States. In other words, it is an attempt on the part of Congress to annul or evade a plain provision of the Constitution by subsequent legislative enactment which on its face is discriminatory and unjust, and which I regard as a mere legislative subterfuge.

It is well known that Senator KNOX has been selected by President-elect Taft for the position of Secretary of State under his administration. By act of Congress approved February 26, 1907, less than two years ago, the salaries of the heads of the executive departments of the Government were increased from $8,000 to $12,000 per annum. Senator KNOX at the time of the passage of this act was a Senator and the term for which he was elected expires March 3, 1911.

Paragraph 2, section 6, Article I of the Constitution is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

By virtue of this provision of the Constitution, not only Senator KNOX but every other Senator and every Representative in Congress became ineligible during the time for which he was elected to hold any office named in the act of February 26, 1907, the emoluments whereof were increased thereby. This disqualification attached and became operative at the moment the act was approved.

The purpose of the bill under consideration, and the sole purpose of it, is to reduce the salary of the Secretary of State to $8,000 per annum, thereby restoring the original salary, to the end and with the view of evading this plain principle of the fundamental law—a definite provision of the Constitution itself. That such is the object of the bill is not denied; on the contrary, it is openly admitted and avowed. This proposal involves two important inquiries: First, when the constitutional disqualification has once attached and become operative by reason of the passage of a bill increasing the emoluments of an office, can eligibility be restored by a repeal of the act? Second, conceding that the constitutional provision can be thus evaded, what contingency can arise that would justify the policy or warrant the impropriety of such a proceeding?

Let us consider for a moment the first proposition. I have heard no one deny that, under the law as it now stands, Senator KNOX is disqualified from holding the position of Secretary of State. His ineligibility is universally conceded. Then when did he become disqualified, and how? By his own act or vote? Certainly not. It is wholly immaterial whether Senator KNOX was present in the Senate when the bill was passed through that body, and it is equally immaterial whether he voted for it or against it.

He is disqualified by reason of the fact that, having been elected a Senator for a certain term, Congress during the time for which he was elected passed an act which increased the emoluments of the office of the Secretary of State. If disqualified, this disqualification was brought about by the passage of the act increasing the salary of the Secretary of State and attached at the time that the act was approved by the President. From February 26, 1907, the date of the approval of the act, not only Senator KNOX but every other Senator and all the Members of the House have been disqualified from holding any Cabinet position or any other civil office under the United States the emoluments whereof shall have been increased during the time for which they were elected. The disqualification referred to is brought about by the happening of a contingency. The moment that contingency happens the constitutional inhibition applies in full force and vigor. It is therefore absurd to contend that the happening of an event which makes the constitutional provision operative can be repealed or that the effects of its operation can be annulled or evaded by subsequent legislative enactments. The bill, if passed, in my judgment, will be inoperative, null, and void in so far as it seeks to make eligible for office a Senator or Representative who is ineligible therefor.

Let us now consider the second proposition. For the sake of argument, let us concede that it is in the power of Congress to avoid the binding force of the constitutional provision referred to by repealing all or, as in this case, a portion of the law which rendered ineligible the appointment of Senators and Representatives to offices the emoluments whereof have been increased during the time for which they were elected; what about the wisdom or the propriety of so doing?

I fully appreciate the situation that has called for the introduction of this bill and that has enlisted such strong support in behalf of its passage. I have no criticism of the motives, patriotism, or devotion to principle of anyone who votes for it. A generous loyalty toward Mr. Taft, the President-elect, and a high regard for Senator KNOX, whose great abilities and statesmanship are recognized by all, and a desire to relieve the incoming administration from an embarrassing situation, which we all deplore, are no doubt the underlying causes which prompt so many Members to give their support to the passage of a bill which, to my mind, is a legislative absurdity and a monumental blunder. It is an error to suppose that the success of any administration must depend upon any one man. Appointive officers should be selected from the ranks of men who

are able, competent, and eligible to such appointments under the Constitution. Congress having passed a law which rendered its entire membership ineligible for appointment to Cabinet positions for a time should not repeal that law now for a special purpose or to remove the disqualifications of any one individual. The principle involved in the character of legislation proposed in this bill I regard as vicious and bad. The precedent we will establish by its passage I regard as mischievous and dangerous. Legislation should be general and not special or personal. This legislation is sought for a specific purpose, namely, to remove the disqualifications of a particular individual to hold a particular office. In order to do this it is proposed to reduce the salary of the Secretary of State, the highest Cabinet officer, to the sum of $8,000 per annum and leave upon the statute books a law fixing the salaries of all other Cabinet officers at $12,000 per annum. This, on the face of it, is discriminatory and unjust.

If the services of Senator KNOX are so important to the new administration, if he is the one man that even the Constitution must not be allowed to bar from the Cabinet, then Congress in common fairness should repeal the act providing for increased compensation for the heads of the departments and reduce all their salaries to the sum of $8,000 a year, and thus restore the old law. I am afraid we are about to make a bad precedent. This great legislative body should not indulge in favoritism or discrimination or enact laws that give rise to such. We should not do by indirection what we can not do directly. It has been well said in the course of this debate that by this bill we are asked to legislate in the interest of one man. Literally this is true, but in a broader sense we can not legislate in the interest of any one man alone. Whatever we do affects the whole people generally. We are about to inaugurate a new and dangerous innovation. We are about to furnish to the country and to the world an example of lawmakers showing a willingness to evade, or at least to avoid, the provisions of the Constitution, when an emergency arises which in their judgment warrants them in so doing. The legislation proposed is ill advised. Precedents repeated, establish customs. Customs long continued, acquire the binding force of law. Instead of seeking to find means of avoiding the letter or the spirit of the Federal Constitution it should be the aim and pride of all true Americans to uphold it in all its vigor and defend it if need be by our lives, our fortunes, and our sacred honor. Evade the Constitution and you will create in the public mind a disrespect for the Constitution. Evade the law and you will create in the public mind a contempt for the law. Believing that the object sought to be accomplished by this legislation is of questionable propriety and against the spirit and clear meaning of plain provision of the Constitution, I shall vote against the bill.

"What's the Constitution Among Friends?"

SPEECH

OF

HON. J. DAVIS BRODHEAD,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 28058) in relation to the salary of the Secretary of State.

Mr. BRODHEAD said:

Mr. CHAIRMAN: Upon the face of this bill its purpose is to reduce the salary of the Secretary of State from $12,000 to $8,000. The bill will probably pass, although the large majority of the Members of this House believe that $12,000 per annum is a very reasonable salary for the great office of Secretary of State of this Nation. Almost all of the Members on the other side, who are now about to vote to reduce this salary, voted to increase it in the second session of the Fifty-ninth Congress when they passed the bill, approved February 26, 1907, by which the salaries of the Cabinet officers were raised.

We are now about to witness the ridiculous exhibition of these same Members voting to reduce the salary of the premier of the Cabinet below that of all the other members, even below that of his own "undersecretary."

What is said in justification of such an apparently absurd action? This: That the learned jurist, the President-elect, some time since decided to appoint the distinguished Senator from Pennsylvania as Secretary of State, and that at the time of such selection neither the President nor the Senator recalled the fact that there was a constitutional prohibition against such appointment. And now they want to get around it the best way they can.

Mr. Chairman, I am proud of Pennsylvania. It is my native State—my home. I have now the honor of being a Representative in this honorable body from that Commonwealth, and my father was a predecessor of the distinguished Senator in question. I therefore would like to see Pennsylvania furnish to the incoming administration the head of the Cabinet in the person of the Secretary of State. But state pride should not lead one to consent to the circumventing of the Constitution.

The situation is this: The honored Senator was elected by the legislature of Pennsylvania in January, 1905, for the term expiring March 3, 1911. The honorable Senator voted for the act, approved February 26, 1907, increasing the salary of the Secretary of State from $8,000 to $12,000. Such are the facts. Now apply the high law of the Constitution to the admitted state of facts. Paragraph 2, section 6, Article I of the Constitution of the United States is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

It does not take much of a constitutional lawyer to conclude that as the facts and the Constitution now stand the honorable Senator can not be appointed Secretary of State. This may not be a question of "The Lady, or the Tiger?", but it is a question of "The man, or the Constitution?"

It is proposed by this bill to repeal so much of the act of February 26, 1907, as applies to the salary of the Secretary of State so as to reduce it back to $8,000; and it is claimed that by so doing the Senator will be eligible, and the fact that the emolument of the office to which he is about to be appointed had been increased during the time for which he had been elected Senator is to be wiped out.

I always thought the Congress of the United States was indeed an august body, but now I am awed at its incomprehensible power, for we are about to witness the changing of an historically established fact by the mere passage of a statute. The fact that during the time for which the Senator had been elected the emoluments of the civil office to which he is about to be appointed had been increased renders it constitutionally impossible to appoint the Senator to the civil office in question.

Now, the proposition is not to change the Constitution, but to change the fact. Wonderful, is it not? Strange that the learned gentlemen involved did not see the constitutional prohibition, or seeing it, insist on getting around it. The Tammany statesman who made the world laugh at his exclamation, "What's the Constitution among friends?" has to-day been vindicated as a constitutional solon. But, the Senator voted to increase the President's salary during the time for which the Senator had been elected, and assuming that this act, if passed, will change the fact as to the office of Secretary of State, what would be the situation if the office of President and Vice-President should become vacant during the next four years and the Senator, as Secretary of State, third in line of succession, should be called upon to assume the duties of the office of President, the emoluments whereof had been increased during the time for which he had been elected Senator? I have often heard of the individual danger of "monkeying" with a buzz saw; I am now convinced of the national danger of "monkeying" with the Constitution.

Mr. Chairman, the ostensible purpose of this bill is to reduce the salary of the Secretary of State below that of all the other members of the Cabinet, even below that of his assistant. To this I am opposed. The people of this mighty Nation do not object to attaching to the great office of Secretary of State a salary commensurate with its dignity and importance. Anyhow, it is but a temporary makeshift, for we all know that the salary will be put back to $12,000, or maybe more, as soon as possible. The declared purpose—declared upon this floor—is to make one certain man eligible for the office. If that be true, then I respectfully submit the following preamble:

> Whereas the President-elect seems limited in his selection of a Secretary of State to United States Senators who voted for the act approved February 26, 1907, increasing the salary of the Secretary of State from $8,000 to $12,000; and
>
> Whereas, under paragraph 2, section 6, Article I, of the Constitution of the United States, such action disqualified all such Senators from holding said office of Secretary of State during the time for which they were elected; Therefore, to get around the Constitution as gracefully as possible, be it enacted, etc.

Then let this proposed act follow. Would not the preamble, although reciting the facts, be ridiculous? Yes, ridiculous, but alas, true.

Wireless Telegraphy on Ocean Steamers.

SPEECH

OF

HON. ANDREW J. PETERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 16, 1909,

On the bill (H. R. 27672) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers.

Mr. PETERS said:

Mr. CHAIRMAN: The protection of the traveling public demands that wireless apparatus should be made a part of the equipment of our seagoing vessels. The bill which we are now considering is similar in its application to the bill introduced by myself (H. R. 27318), which the Committee on Interstate and Foreign Commerce has considered. This bill makes necessary the use of wireless apparatus on all ocean-going steamers certified to carry 50 or more passengers and plying between ports 200 or more miles apart by sea, and provides as a penalty for failure to comply with its provisions a fine of $3,000.

The necessity of having this legislation apply to coastwise as well as foreign vessels is obvious, not only on account of the coastwise trade, but also because the coastwise vessels from our Atlantic ports cross the courses of the ocean steamers, and so are a menace both to the trans-Atlantic steamers and to each other. The measure now includes the application of its provisions to coastwise vessels, and therefore I believe it should merit the support of the House.

The matter of wireless communication is now beyond the experimental stage. To-day this system is in actual, regular operation, and a tremendous disaster at sea was only recently averted by its use.

The natural desire to give their passengers the best service is bringing about the use of the wireless apparatus on the higher-class and better-equipped ships. That the mere self-interest of the steamship companies is not sufficient to rely upon to provide its general application must, I think, be admitted. Devices for safety appliances for car couplers and for lifeboats and life-preservers all depend on legislation to provide their equipment.

Last year, of the 244 foreign steamers entering Atlantic ports, 134 were without wireless equipment of any kind, and out of a total of 253 American ships affected by this law, 127 were not equipped. These are the latest figures obtainable, but a slight variance must be allowed for from the slow adoption of this necessary safeguard on steamers already in commission as well as installations on new boats.

The 134 foreign vessels which enter American ports regularly unequipped with wireless carry steerage passengers alone to the number of 128,730 per single voyage. The cabin capacity of the same vessels per single voyage is 60,155.

The cost of equipment amounts in passenger vessels to about $1,000. The contracts of most of the companies provide that the telegraph company shall pay the operator's salary and furnish free of charge to the vessel all messages relative to the running of the ship. The foreign vessels are almost exclusively supplied with the Marconi system, but on the American vessels there are four companies competing with each other—an active competition, which would seem to render the possibility of collusion and the raising of prices to the point of extortion at least remote.

The Boston Chamber of Commerce, the New York Produce Exchange, the Commercial Exchange of Philadelphia, and the Trades League of Philadelphia have all communicated with their Representatives in favor of some such measure. In regard to the cost, which is $1,000 for the apparatus, it should be borne in mind that the presence of the apparatus on ships renders the cost of insurance less, and it is estimated that, considering the decrease in the cost of insurance as credited to the cost of supplying the system, the wireless outfit will cost the companies only about one-half its yearly rental price.

The United States is itself in a particularly fortunate position to commence legislation of this nature, as the Government already has approximately 60 stations equipped and in operation in this country. It is possible that the higher class vessels would provide the apparatus voluntarily on account of the commercial return, but the necessity of this bill is especially to protect the lives of the passengers on the steerage vessels, and it can be seen that the steerage vessels are those not provided with the apparatus. The protection of all passengers, but particularly those traveling in the steerage, demands that the Government of the United States should take the forward step in passing legislation of this nature.

The vital importance of federal action at this time lies in accomplishing immediate and thorough results in the safeguarding of life and property on the high seas. In addition to its effectiveness upon all shipping flying our own flag, the bill has the value of enforcing compliance with its humane provision upon all foreign shipping entering our ports, a restriction to be associated with quarantine regulations, and to be no more resented than the latter.

If left merely to the commercial self-interest of the various steamship companies, the installation of wireless apparatus will gradually be accomplished, no doubt, but the process is certain to be sporadic, and may hang fire several years, according to the occurrence of disaster by sea and the effective force of an easily diverted public opinion. In the meantime the conditions attending the loss of the *Republic* are susceptible of daily or weekly recurrence.

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 25, 1909,

On the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. DRISCOLL said:

Mr. CHAIRMAN: I trust this amendment providing for the continuation of the analyzing and testing of coals, lignites, and other fuel substances during the ensuing year will prevail. I am especially interested in it, so far as it relates to the peat deposits of the country, and the further investigation of the subject of drying and preparing this material for fuel, and so handling it that it may be an economical and commercial success. The people are wide awake now to the need of conserving our natural resources; of not wasting coal or wood, or consuming more than is reasonably necessary. Substitutes for lumber are sought for, and cement and other materials are being substituted for building purposes, and if a substitute for fuel for domestic use can be found the effect will be to save our ordinary wood lots and allow the smaller trees to grow and the forests to develop naturally. If the peat in those deposits throughout the country can be economically treated and used for making producer gas and for ordinary fuel, it will help solve the question of preserving our woods and coal deposits. Those peat bogs are scattered so generally throughout the country, sometimes large and sometimes small, and located so conveniently to the cities and towns where the transportation will be very light, that if the question of drying can be scientifically and economically solved, there is no question but what the handling of this fuel will become a commercial success.

I wish to place in the RECORD in connection with my remarks, a copy of a statement of the peat deposits of the State of New York, which is based on actual location of the various deposits, the measurement in acres of each deposit, and the depth determined by practical tests. This statement may not be exactly correct, but I believe it is approximately so, and shows that in this State peat deposits have already been examined and tested which amount to an equivalent of 182 square miles, of an average depth of about 8 feet, and of sufficient material to yield approximately 205,000,000 tons of fuel fit, if sufficiently dried, to burn.

I trust this information will be of interest to the people of our State, and especially those living in the rural district and in the vicinity of these particular peat deposits, and I hope that by continuing these fuel tests by not large appropriations the question of economically drying this material will be solved, so that those large deposits in our State and throughout the whole country may be converted into useful fuel. When that question is settled it will add immensely to the value of our land.

This statement is as follows:

Peat deposits of New York State.

Name of bog.	Location.	Approximate area.	Depth.	Estimated fuel content.
		Acres.	*Feet.*	*Tons.*
Cicero	1 mile east of Cicero, Onondaga County.	6,000	3-14	10,800,000
Lower Cicero	Near Cicero	2,000	6-10	3,200,000
Hastings No. 1	4 miles north of Central Square, Oswego County.	500	3- 6	450,000
Hastings No. 2	do	300	4- 6	30,000
Palermo	Near East Palermo	2,000	+20	8,000,000
Lily Marsh	7 miles east of Fulton	2,000	+10	4,000,000
West Monroe		1,500	7-15	3,300,000
Toad Harbor		800	3- 5	960,000
Cazenovia	2 miles east of Cazenovia	400	4- 5	450,000
Charlotte		600	10	1,200,000
Warner	3 miles north of Warner	400	4- 6	400,000
Jordan	1 mile west of Jordan	400	2- 8	500,000
Bloomingdale	3 miles north of Saranac Lake	2,000	3-20	4,400,000
Saranac	2 miles north of Saranac Lake	1,500	3- 8	1,650,000
Mountain View	1 mile north of Mountain View	400	3- 5	320,000
Tupper	Near Tupper Lake	2,000	3-10	2,800,000
Oak Orchard	Monroe, Orleans, and Niagara counties.	10,000	3-10	16,250,000
Lacona	Near Lacona, Oswego County	1,000	(?) 10	2,000,000
Black Lake	Near Ogdenburg	10,000	3-11	14,000,000
Montezuma	Along Seneca River	10,000	3- 7	10,000,000
AGRICULTURAL PEATY AREAS.				
Half-way	½ mile east of Half-way station, Onondaga County.	100	1- 3	60,000
Elbridge	½ mile east of Elbridge, Onondaga County.	500	1- 3	300,000
South Lima	Near South Lima	1,000	2- 7	1,250,000
Canastota	North of Canastota	20,000	1- 7	20,000,000
Walkill	Along Walkill River	40,000	3-10	52,000,000
Arkport	Near Arkport	1,000	3- 6	900,000

This area is equivalent to about 182 square miles and the average depth about 8 feet. This would yield approximately 205,000,000 tons of fuel, having a value of about $3 per ton in the vicinity of the places of production. This amount would be reduced by the 74,000,000 tons now under cultivation, if this is considered to be unavailable for fuel purposes, but must be increased by a very considerable amount not yet examined.

I also wish to insert in the RECORD an estimate of the peat resources of the United States, exclusive of Alaska, by Prof. Charles A. Davis, formerly of the University of Michigan, and now in the United States Geological Survey. This is a very thorough, scientific, and comprehensive estimate and statement on this subject, and will, I believe, be of great interest to the people of this country, and ultimately of practical benefit to them. The following is a copy of this estimate:

AN ESTIMATE OF THE PEAT RESOURCES OF THE UNITED STATES, EXCLUSIVE OF ALASKA.

[By Charles A. Davis.]

Peat as a source of fuel and power, as well as the raw material upon which may be based a number of industries, has but recently attracted general attention in this country. It has, however, long been used in northern Europe, where it is estimated in the neighborhood of 10,000,000 tons prepared in various ways are consumed as fuel annually, and smaller amounts are used as stable litter for sanitary purposes and in various trades and arts.

It has been assumed by engineers, economists, economic geologists, and others, because of the abundance and cheapness of good coal and wood in the United States, that peat could not be used profitably in competition with them, at least for a long time to come.

Recent developments in the utilization of low-grade fuels in producer gas engines, and the very considerable successful use of peat for the generation of fuel, illuminating, and producer gas in Sweden, Germany, Russia, and other countries of Europe, have made a marked impression on those in America who have followed the march of events in this direction and have aroused new interest in the possibility of using peat as an auxiliary fuel.

Already preliminary experiments have been made by the technologic branch of the United States Geological Survey with a large gas producer, which confirm the reports of foreign success in this direction and show that some peats of American origin are little inferior to many grades of bituminous coal now on the market, and superior to some in the quantity of producer gas to be derived from them, and in the calorific value of the gas.

Still more recent than this work is the report from Germany that by the investigations of Doctors Frank and Caro, it is possible to recover a large part of the combined nitrogen contained in peat while it is being converted into gas in the gas producer as ammonium sulphate; and that where the nitrogen is present in amounts slightly above 1 per cent of the dry matter of the peat the quantity of ammonium sulphate obtained pays the expenses of maintaining the plant, of gasifying the peat, and a profit besides, leaving the gas as an additional profit. As many American peats have more than 2 per cent of combined nitrogen and a considerable number of analyses show above 3 per cent, it is probable that in the near future peat beds will be profitably utilized for the production of power and ammonium salts in the United States.

This is the more likely when it is considered that the region of most abundant occurrence of peat in large deposits lies along the northern border of the country, and in the eastern coastal plain. There are also other limited areas where it is found, as in the western mountains and in the moister portions of the Pacific slope. The States containing the greatest amount of peat are the eastern Dakotas, Minnesota, Wisconsin, Michigan, northern Iowa, Illinois, Indiana, and Ohio, New York, the New England States, New Jersey, the coastal portions of Virginia, North and South Carolina, Georgia, and practically all of Florida. It is also assumed that there are workable peat beds in the swampy parts of the Gulf States and in those portions of the flood plain of the Mississippi remote from the stream.

It will be noted that these regions of frequent occurrence of peat are practically all outside of the coal fields, with the exception of Michigan, where, as is well known, the coal basin has not been found to be productive except in limited marginal areas, very small in comparison with that of the entire basin.

As a sign of the times it may be stated that work is about to begin in Florida on a plant for generating electric power by producer gas engines using air-dried peat as fuel, the power to be transmitted to Jacksonville. Aside from other phases of the question, it must be considered that peat can be mined and prepared for the gas producer by the simplest and most inexpensive equipment, and with a minimum of danger, since all of the workings are open cuts, made by the use of spades or of ordinary excavating or dredging machinery, so that none of the dangers of underground mining are encountered.

On the other hand, the great drawback in the preparation of peat for fuel, or other uses, has always been, and continues to be, the fact that it contains from 85 to 90 per cent of water as it comes from the beds, and that the greater part of this water can not be pressed out but must be removed by evaporation. Peat which is air dry contains from 15 to 25 per cent of water, and its theoretical efficiency is lowered thereby in nearly direct proportion to the amount of water present.

In gas producers of recent types, however, it is reported that peat with 40 per cent water has been used with success, and for this purpose the question of excess of water has apparently been solved by plowing or digging up the peat and allowing it to dry out by exposure to the wind and sun on the surface from which it is taken. In Florida, even in midwinter, peat taken from below the water level, ground in a pug mill, and afterwards spread over a drying ground in a layer 8 inches thick, dried to the air-dry state in about three weeks and would be ready for use in a gas producer in less time.

The question of artificially drying peat for fuel has received and is now engaging the attention of able engineers and inventors, and, in the opinion of many, the successful solution of this problem is necessary before any considerable increase in the use of peat for ordinary fuel can be expected.

Briefly stated, the matter rests upon the finding of a way to handle peat with about 90 per cent of water rapidly and cheaply enough so that the 25 pounds of salable material obtained from a ton of raw peat which will result when it has reached the air-dry state will pay, not only the cost of the processes of preparation, but also of management, amortization, and selling, and return a profit on the original investment. Attention should be called to the fact that if peat with 90 per cent water has its moisture content reduced to 80 per cent, it loses more than half of its weight of water, and that this amount is readily extracted by very simple and inexpensive processes.

In Europe peat is prepared for fuel in several ways, designed primarily to render it transportable and efficient as a source of energy.

As cut peat, it is used extensively for domestic purposes in the form of air-dried sods, or blocks, cut by hand with specially designed spades. A more compact and efficient fuel is made by more or less thoroughly macerating the peat and pressing it into molds, after which it is dried by spreading the blocks on the ground exposed to sun or wind, or by grinding it in a specially constructed pug mill similar to that used in grinding clay for making bricks. The peat is ground wet as it comes from the beds, and delivered from the mill in the form of wet bricks, which on exposure to the air and sun's heat for some time become dry, firm, tough, and nonabsorbent. This is machine peat, which is rated the most generally successful form of peat fuel for domestic and boiler use on the markets of Europe. As marketed, this product contains from 20 to 25 per cent of moisture, and has, theoretically, about 65 per cent of the fuel value of the same weight of good bituminous coal when burned in stoves or under boilers, but practically, the cause of the lack of waste of the peat, in the form of ash, smoke, clinker, and unconsumed portions, its real value is higher than is indicated by comparison of the possible heat units to be obtained.

As peat briquets, the material is more compact, burns more slowly and persistently, and stands transportation and handling well. To prepare it for the process of briquetting the peat is dried thoroughly, powdered and briquetted, either without or with a binder, or in mixture with coal or lignite.

An increasing amount of peat is manufactured into charcoal or peat coke, especially in Germany, where it is used somewhat extensively as a substitute for wood charcoal in smelting iron and in other metallurgical processes, including refining of copper, steel making, etc. Of the processes so far developed for the manufacture of peat coke, none have proved profitable on a commercial scale, except such as condense the distillates and recover a series of by-products similar to those obtained by the destructive distillation of wood, viz, gases, methyl-alcohol, ascetic acid, lime acetate, ammonium salts, tar and its derivatives. This involves large preliminary investment and the maintenance of costly plants, but where a good market can be found for the by-products this seems to be justified by unbiased and trustworthy reports from Europe. In preparation for coking the peat is treated exactly as if it were to be sold as machine-pressed peat, and is stored in open sheds until needed for the coking retorts.

An increasing amount of peat in the form of powder burned with blast burners is used abroad for firing under boilers, and in brick and cement burning; where properly prepared and firing rightly controlled it approaches theoretical efficiency when used in this way.

The production of gas from peat, as has been stated, has passed beyond the experimental stages, and peat gas is used for metallurgical purposes, boiler firing, making lime, and brick, and, to some extent, in making glass, while a rapidly growing number of producer gas engines for using peat are being installed for generating electric power for transmission directly from the larger peat deposits to centers of use.

In view of all of these considerations, the following estimates of the peat resources of the United States have been perpared with the view of at least directing attention to the very considerable source of wealth to the Nation, which is now lying entirely undeveloped in the swamps

and bogs of the country. It will also be noted in considering the possibilities of the peat deposits that they furnish potential substitutes for wood in various departments of industry and in some considerable degree in these directions may relieve the drain upon the vanishing forests.

In making the estimates given below it has been the aim of the writer to be conservative in every detail, and it is believed that in no case will it be found to be too optimistic.

The total swamp area of the United States, exclusive of Alaska, is estimated to be (60th Cong., 1st sess., S. Doc. 151) 139,855 square miles. Of this 8 per cent is assumed to have peat beds of good quality, or 11,188 square miles. The depth of peat in this area is assumed to average at least 9 feet, and to contain 300 tons of dry fuel per acre for each foot in depth, or a total of 12,888,500,000 tons. Value if converted into machine peat bricks at $3 per ton, $38,665,700,000.

Value if coked and the by-products of distillation saved.

	Product in tons.	Value.
Peat coke	3,008,800,000	[a] $36,005,300,000 [b] 9,921,200,000
Illuminating oils	257,800,000	4,474,200,000
Lubricating oils	90,200,000	
Paraffin wax	28,700,000	3,479,900,000
Phenol	167,500,000	66,345,100,000
Asphalt	25,800,000	824,900,000
Wood alcohol	42,800,000	7,844,000,000
Acetic acid	56,700,000	
Ammonium sulphate	19,900,000	2,777,400,000
Combustible gases	738,400,000	6,501,300,000

[a] Charcoal prices. [b] Coke prices.

The better grades of peat coke are nearly free from sulphur and phosphorus, and may be used wherever hard-wood charcoal is required. The quantity of wood required to make charcoal equivalent to the amount of the peat coke given in the estimate would be approximately 8,019,800,000 cords. The uncondensable gas given off from the retorts while the peat is being converted to coke has good fuel value, the maximum being about 300 British thermal units per cubic foot, and has been successfully used for heating the retorts and for other fuel purposes.

If converted into producer gas by the most recently developed processes, so that the combined nitrogen of the peat is converted into ammonia and fixed as ammonium sulphate, there would be possibly available 619,257,511,000,000 cubic feet of producer gas, with a calorific value of 145 b. t. u. per cubic foot. Assuming 1.5 per cent of nitrogen as an average content of the peat—which is low, since many analyses show more than 3 per cent—100 pounds of ammonium sulphate to the ton of peat treated in the gas producer could be obtained.

On this assumption, there is stored up nitrogen enough in the peat to supply at least 644,400,000 tons of ammonium sulphate, having a value of $38,732,400,000, in addition to the gas produced.

Recent tests reported from Europe show that from 2 to 2.5 pounds of peat will produce an effective horsepower per hour, if reduced to gas in a properly designed gas producer and used in the gas engine. Taking the larger amount, to be conservative, it is evident that there is stored up in the peat beds of the country, as estimated above, energy sufficient to develop 10,310,860,800,000 effective horsepower hours.

In Europe great quantities of the more fibrous types of peat are manufactured into stable litter for bedding live stock, and peat mull, or powder, for absorbent and sanitary uses. Of this class of material it is estimated that there are at least 2,578,000,000 tons available. This class of material is superior to straw and other substances now generally used for the purpose and would readily bring $10 per ton, or the whole amount has a prospective value of $25,780,000,000.

The only factory (located in Indiana) now making a product of this class in the United States sells its entire output of several hundred tons at about $12 per ton.

A single plant for making paper from peat is in operation in Michigan. Possibly 5 per cent of the total amount of the peat of the country is suitable for this purpose, or 644,400,000 tons. The use of this material would reduce the consumption of wood for the purpose of making coarse papers and pasteboard by whatever amount it displaced wood pulp in the manufacture of such materials.

In the United States peat is being somewhat extensively manufactured into fertilizer filler, material used in making various grades of artificial fertilizers in which slaughterhouse and other refuse animal matter rich in nitrogen are ingredients, or in which hygroscopic mineral compounds are used. Peat in the form of dry powder is especially adapted to this use, since it absorbs water and ammonia readily, is a deodorizer, and, to a considerable extent, prevents fermentation and decomposition. At the prices now obtained for peat suitable for this purpose, in the form of dry powder, and considering one-half of the total amount suitable for the purpose, its value is estimated to be $38,666,000,000, or about the same as the valuation of the whole for ordinary fuel.

Ethyl, or "grain" alcohol, has been made from the less thoroughly decomposed peats in Denmark and Sweden at a cost estimated at about 47 cents per gallon.

If 10 per cent of the entire body of peat in the country can be used in this way, about 70,900,000 tons of alcohol can be obtained from peat. It must be said in passing that this process is as yet hardly past the experimental phases.

Artificial wood, a fireproof or slow-burning composition, or 1,288,800,000 tons, the use of which would release an equivalent amount of sawed lumber for other uses or to be held in reserve against future need.

Fibrous peat, properly cleansed of the finer material associated with it, is finding a constantly growing use in Europe as packing material for fragile or perishable articles and for protecting and insulating water and other pipes subjected to the liability of freezing. The peat best adapted to this use is too light in weight and too loose in texture for fuel manufacture, and may be estimated to occur to the amount of 500,000,000 tons, with a market value of $3,000,000,000 displacing excelsior, hay, straw, paper, and other similar materials which are now used.

Fabrics of various qualities and kinds, mattresses for hospitals, fiber for surgical and other aseptic dressings, and as a substitute for silk in cloth weaving have been made from certain grades of peat, but the market is so well supplied with other products for the same purpose, which are of as good or better quality, that the use of the peat products has never reached any extensive commercial scale, and does not seem likely to do so in the near future.

It is clearly apparent, however, that in the peat beds of the United States there lies undeveloped, even entirely untouched, a vast amount of raw material from which may be derived by intelligent and conservative exploitation fuel, power, fertilizing material, and the raw material from which may be made a number of valuable products, all of which will serve to supplement other resources which are now known to be limited in quantity. By utilizing these resources also the wealth of the Nation will be possibly increased by the not inconsiderable sums which represent the potential cash value of the peat beds and their products, and an equivalent amount of other material will be rendered free for other purposes.

Government of the Canal Zone.

SPEECH

OF

HON. OLLIE M. JAMES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 9, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes—

Mr. OLLIE M. JAMES said:

Mr. CHAIRMAN: The object of this amendment is to give to any person who has been convicted in a court of the Canal Zone the right of appeal to the Supreme Court of the United States when the punishment is by imprisonment. Under another section of this bill, section 6, you deny the defendant the right of trial by jury, except where it is a felony. I introduced an amendment to this section providing that the defendant should have the right of trial by jury in every criminal case where the punishment is by imprisonment or where the fine exceeded $20. The language of section 6 of this bill is as follows:

That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

Who knows what this official, this one man appointed by the President, who is not only a legislator with authority to make the law combining the legislative and executive functions in one, but is also the judge who executes the law which he himself has made, is going to say constitutes a felony? This is the first time in the history of our Government that any legislative body has undertaken to establish a precedent of this character. Think of what an anomalous situation this presents. One man appointed by the President proclaims what the law is; that is, he enacts the law, and then, as judge, he tries offenders for violation of the law he himself has enacted. He denies the right of trial by jury to all defendants except where it is a felony. But the mighty question arises, "What is a felony?"

He may provide that a felony only is an offense which is punishable by death, and he may try under this bill citizens of every State in this Union who have gone to Panama for offenses and deprive them of their liberty and deny them the right of a trial by jury and imprison them for an indeterminate time, and that citizen has no right of appeal to the Supreme Court of the United States unless his imprisonment is for life or the sentence is death. Now, in this country we elect our legislators, who make our laws; we elect our President, who approves them; our judges are appointed by the President, subject to the approval of the Senate, and they are always subject to impeachment by the House and trial by the Senate; and yet we give to the humblest citizen in this Republic the right of trial by jury in any case where he is charged with a crime. Why do you deny the right of trial by jury to those people down there, who neither have a voice in making the laws nor in selecting the officials to execute them, and then after having denied all these rights so dear to freemen you go further and deny them the right of appeal unless the punishment is death or life imprisonment? A single man under this bill may declare what a misdemeanor is, and may make its violation punishable by imprisonment for fifty years, or for any time short of life, try the defendant without a jury, imprison him, and close the doors of the dungeon upon him, and deny him the right of an appeal to the Supreme Court. This is so intensely un-American, so strangely undemocratic, so antirepublican that to characterize it as destructive of two of liberty's strongest bulwarks—the right of trial by jury and the right of an appeal—is to use the mildest term. [Applause.]

Mr. MANN. Will the gentleman yield for a question?

Mr. OLLIE M. JAMES. Certainly.

Mr. MANN. Will the gentleman inform us whether there is any appeal in a similar case from a federal court to the Supreme Court?

Mr. OLLIE M. JAMES. In a federal court here the right of trial by jury exists, but it does not exist in the Canal Zone, according to this bill.

Mr. MANN. We have given a broader privilege here than you give in the United States.

Mr. OLLIE M. JAMES. The right of trial by jury exists for "any crime" under our Constitution.

Mr. Chairman, I am anxious to see the canal constructed. I hope the day is not distant when our commerce will be enabled to pass through the canal. But let us not while we are building this destroy the rights for which armies have been marshaled and for which men have died in all ages of the world—the sacred right of trial by our peers. Let us not in our anxiety to aid commerce destroy the liberty of the citizen, deny rights without which commerce would be impossible.

This Republic rests upon the granite pillars of the right of life, liberty, and the pursuit of happiness, and it can only remain secure by preserving these palladiums to all our people—whether here or in Panama. Let us not inflict upon others that against which we would ourselves rebel. [Applause.]

Statehood Bill.

SPEECH

OF

HON. MARCUS A. SMITH,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909.

The House having under consideration the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States—

Mr. SMITH of Arizona said:

Mr. SPEAKER: At the present end of a long service in this House this applause from both sides of the Chamber is particularly sweet and gratifying to me. I deem it a double compliment, as I feel that it is inspired by your kind affection, and also by your recognition of the constant fidelity with which I have served the interests of the people in Arizona.

Twenty-two years ago I first came into this House as Delegate from the Territory of Arizona, and have served, with the exception of a few terms, continuously since. What fidelity I have given to that service all the older Members of this body well know. Why Arizona and New Mexico should have been selected as the victims of the Republican party's injustice I am unable to conjecture. Why they have so long remained the objects of your fear or hate I am equally unable to explain. Since my advent here I have seen Washington, Montana, North Dakota, South Dakota, Wyoming, Idaho, Utah, and Oklahoma admitted to the Union, and every one save Oklahoma had at the time of its admission neither qualifications or resources superior to ours.

Nay, more! At the time of the admission of the majority of these States Arizona and New Mexico had every advantage enjoyed by these objects of your favor. At the time of the admission of Idaho and Wyoming Arizona exceeded either in population, wealth, and developed resources, while New Mexico's population was greater than the two combined; yet of the four grinding at the mill two were taken and two were left, and this without reason, justice, or common sense. The impetus given these new States by the right to control their own affairs has richly justified your action as to them. The delayed development of their naturally more prosperous sisters occasioned by your injustice is a shame against your brothers living there and a disgrace to this policy of delay.

The leaders of this House on the Republican side favored the admission of all the States recently admitted, as I find not one of their votes cast against either, while they have persistently fought the equal right of Arizona and the right of New Mexico, guaranteed to her by the solemn promise of the treaty made with Mexico when we acquired that territory. In honor you are estopped from questioning the character of the population. It is as good as when the treaty was made, and your persistent injustice to that Territory is simply shameful. But I am not here to speak for New Mexico, and reviewing our history it seems strange that anyone should need to speak for her at this late day. It can not be said that politics has kept her out of her very birthright.

Has she not constantly sent a Republican to this body for years and years? Has she not been obsequious enough to the Republican demands on her? Did she not, against her own interest, surrender all but honor, and seemed even willing, if need be, to give that, to the raging waters of the Ganges that she might appease the wrath of the vengeful gods sitting in judgment on her destiny here? Did she not swallow the awful dose of joint statehood at your request? Whatever you may now think of her judgment in that matter, you must admit that she gave full measure of obsequious obedience to your party's demand. Arizona, thank God, stood steadfast by her altars and her homes, and comes again making on you the just claim for what is due her—single, individual, immediate statehood.

You are in law and equity, and especially in the greater forum of honor, estopped from disputing her claim; nay, you are ordered to give her immediate statehood by the best plank in your national platform and by far the most direct and unequivocal. For the Republican national platform, on which everyone of you ran for office, and on which Mr. Taft was elected, and which he has fully indorsed, says (I read from the platform):

We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.

This is the first time in national convention the Republican party has directly promised statehood to these two Territories. I never doubted once that it would keep this promise, and so declared in every speech made by me in the last campaign.

I said then, as I feel still, that the great party so audaciously dominating for good or ill the affairs of this country could not afford to lie to the whole country through its only legal mouthpiece, the national convention, and that the great men composing that party had no wish to lie about the matter. The present Executive in his first message to us called attention to that plank and advised favorable action on these two statehood bills. The incoming Executive, Mr. Taft, was elected on that platform, and if he had said nothing about statehood we know his adhesion to the proclaimed promises on which he received the votes of the people for the greatest office in the world. His high character for uprightness, justice, honesty, for fidelity to his word, should guarantee his hearty acquiescence in the passage of these bills at this session. Who is here on your side or on our side to cast a vote against this measure? How can you excuse such a vote? Can you say your party platform does not bind you? If that is your plea, your renunciation comes too late to be honest. Is your platform a lie? You will not say that without stultifying both yourself and your party. Granting, then, as I am sure you will not deny, that your platform spoke the truth and meant what it said, and that you accepted it and ran for office on it and did not deny then its binding effect on your political conscience, what is left for you to do now except to carry it out?

I will not use short, harsh words, but from my viewpoint the man who, under these circumstances, casts his vote against this measure is running a hot-footed race for a high seat in the Ananias Club. Does it not look that way to you? I know it will look that way to the people of Arizona. You can not even plead for delay, far away back in the good old summer time you officially, as a party, declared our fitness and promised immediate action. You yourselves have taken the question from the field of debate. There is nothing left but to act, and act now.

Both sides of this House and both sides of the Senate have had months to consider the question of statehood with a view to immediate action when Congress met.

You have too long delayed already. A suspicious mind would suspect that this long delay had a dire purpose at its back. Some folks will think that if this bill, getting out of this House at so late a day, dies in the Senate the purpose will stand revealed. This bill could have been passed before the 10th of January as easily as it can be passed now. The House has had ample time. If one-tenth the zeal had been used for this bill that was put forth in the joint state measure it would have been in the Senate before the Christmas holidays and would long since have passed that body.

I see no reason why these bills could not have been reported a month ago, and I know of no reason why the long-delayed report could not have been acted on the next day after it came into the House. The time of the House has been consumed in the delivery of speeches, able enough, on every conceivable question, and the promise of immediate statehood has been ignored. You got a rule easy enough, setting a day for the joint statehood bill, which nobody wanted except the powers that be, but under exactly similar conditions you could not get a day for the sepa-

rate statehood bill, which everybody wants except a few of the powers that be.

Mr. Speaker, if this delay shall, as I fear it will, prove fatal to these statehood bills at this session, then the purpose here will become manifest to the world and will again accentuate the necessity of less autocratic rule in this Chamber. I pray God my fears are unfounded, and that your party, sir, will keep in good faith the promise made to the people in the most solemn, binding way known to our politics. Hoping almost against hope that these Territories may be admitted at this session, and trusting, against some evidence, that no Member of either House or Senate may be justly accused of circumventing by deceit and fraud the promise on which our people have relied, I leave this feature of the case for further development. If the Senate, or any one Member of it, wants to defeat the bill, failure to act sooner here has afforded ample excuse for the success of such opposition.

That certain members of a coordinate branch of government do want to defeat the bill is as well known to the Speaker of this House and to the House itself as it is to me. I have attempted to make our defeat impossible. The Speaker, by refusing to allow consideration at an earlier day, has made our defeat very easy indeed. If this bill is to pass the House only to be defeated by postponement in the Senate, then it were far better and decenter to defeat it here in the first place and make no false pretense about it. I know, and every man in my hearing knows, that the politics of the proposed States cut no figure in this case, except in the minds of a very few so narrow that no appeal outside of party success can touch them. The opposition here and elsewhere to the admission of these States is not that they are Democratic or Republican, but solely and alone because they are western. Why should Rhode Island object to the admission of either of these Territories, except that Rhode Island, being small and eastern, objects to them because they are big and western? Why should any other Eastern State object when it knows that it had less population than ours when it was admitted and vastly less known resources?

I can not for the life of me understand why certain great men of the East have so constantly opposed the admission of Western States. We in the West have never been a menace to our country. On the contrary, we furnished the means that made resumption of specie payments possible. We furnished more than our quota of men and money to the East in every hour of its need.

Far removed from the maelstrom of your eastern frenzied finance, where honor, fortune, virtue, and even our country and all its interests would sometimes be readily bartered for a dirty dollar by the worshipers of Mammon, we have produced. We build; you too often tear down or destroy. We have made homes for patriotic, broad-minded, poor, but worthy men. We have built up the waste places. We have tied patriotism to the soil, and man for man, home for home, we of the West can furnish more men ready to give their lives for their country than any other people on the earth. And all this love they give in spite of all the wrong Congress has so long done them. Search history in vain for a parallel. What has the West ever done to forfeit your confidence or excite your fear? Have not the western representatives in Senate and House stood well abreast with the eastern contingent? I forbear to cite instances. History answers the question, and the West is not ashamed of that answer.

Do you all forget that we are bone of your bone, flesh of your flesh, impelled by every high motive that actuates you with just a little less fear than the East has in proclaiming those motives and in defending them? The West is made up of the best blood of the East. Those brave enough to break the tender apron strings that hold so close to home, and knowing that before them spread a life of danger and hardship, yet sought the West to do for their children more than they had received, and like Enoch Arden giving them "a better bringing up than he had had," are to-day the very best, bravest, truest men on whom our country can rely in any hour of peril.

Instead of your doubting them, you should take them to your breast as the very best product of your loins. We are no strangers, seeking a place to hide our cold hearts, and we resent as we should resent the self-assumed superiority of our eastern brothers who were too prudent or too timid to act with us in the mighty drama of the building of a State. The authentic history of all time reveals no heroes more worthy of renown than the pioneers, the state builders of the West. And among the unknown and unsung names of this valiant host, too many of whom have passed to silence, none deserve a greater tribute of our praise—none can claim a deeper sense of our obligation to their fortitude and courage and accomplishment—than the pioneers of Arizona.

Summon from the heroic ranks of all time your brightest ornaments, and I will place beside the white plume of every Henry of Navarre the equally white hair of an unsung hero of the western plains, who has no need to do obeisance even in the presence of the honor roll of history. With these early heroes of Arizona and with those who have followed them, patriotism is not a mere catchword. It is a living, pulsing, burning principle. They love their country as few others love it. They worship at Arizona's shrine with more than an eastern idolatry. The Almighty, in calling for man's devotion, said, "The earth is the Lord's, for He made it." We cry out to you with greater pathos, that Arizona is ours, for we made it; made it for us and for you; made it for our country and ourselves; made it for your children and ours; made it for all that might enjoy under it the common rights and benefits of a great State of our National Union. [Applause.]

In conclusion, Mr. Speaker, I can not repress the utterance of my great disappointment in the delay this bill has met in the House. I fear it means defeat in the Senate, and if it does meet defeat there—simply by inaction or otherwise—on some heads will rest a most awful responsibility. It not only means the violation of a public sacred promise, but visits injury, injustice, hardship, and humiliation on a people who have too long been forced to bear burdens never before imposed on any State or Territory since the Declaration of Independence, whose essence and sacred spirit you have violated daily in your dealings with us for the last long twenty years. I, in common with all the patriotic people of Arizona, have felt deeply this injustice and wrong. You are witnesses to the number of times I have cried out on this floor against it. You have witnessed the struggle I have made to secure the blessings of liberty to my people. From early manhood my life has been dedicated to this holy cause, and I find myself now in poverty, with hair as white as the snows on her mountain tops, still pleading the cause of Arizona.

The House will pass this bill. My fear is it will die in the Senate.

In my campaign at home it was urged that I, being a Democrat, could not get justice from a Republican Congress. It was reported generally, and the highest possible authority was given, that if a Republican was elected in my place we would get statehood at this session. It was alleged, yes, confidently stated, that the President and the Republican nominee for President were dead sure to use their influence to that end if Arizona would elect a Republican to Congress. I find now that such election, if it had any effect on statehood at all, was only to delay statehood. But these are dead issues now. It must be understood that I stand now, as I have always stood, ready to make any personal sacrifice, ready to forego any personal ambition, ready to bear the cross up any hill, if by this devotion I can be the means of securing the ends of a lifelong purpose—equality, justice, statehood for the Territory of Arizona.

Statehood Bill.

SPEECH

OF

HON. J. THOMAS HEFLIN,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Mr. HEFLIN said:

Mr. SPEAKER: I shall cheerfully vote to admit Arizona into the Union as a State.

In spite of the opposition to her admission, and all the efforts to befog the issue and to keep the truth from the country, MARK SMITH, the able and honored Delegate from the Territory of Arizona, has stood here earnestly and ably pleading the cause of his people, and he has convinced the Congress and the country that his beloved Arizona is justly entitled to a place in the household of sovereign States.

I rejoice, Mr. Speaker, that this big-hearted, able, and eloquent representative of the people of Arizona can now carry back to the Territory that he has so faithfully represented the declaration that the House, of which he is an honored Member, has granted statehood to the Territory of Arizona, and I now predict that when that Territory puts on the robes of sovereignty that she will do the preeminently proper thing and send MARK SMITH to the Senate. [Applause.]

Eulogy on the Late Hon. Asbury C. Latimer.

REMARKS

OF

HON. J. EDWIN ELLERBE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 21, 1909,

On the following resolution:

"*Resolved*, That the House has heard with profound sorrow of the death of Hon. ASBURY CHURCHWELL LATIMER, late a Member of the Senate of the United States from the State of South Carolina, which occurred at Providence Hospital in the city of Washington February 20, 1908.

"*Resolved*, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

"*Resolved*, That as a particular mark of respect to the deceased, and in recognition of his distinguished public services, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. ELLERBE said:

Mr. SPEAKER: To the soldier who, drunk with excitement and the lust of battle, goes forth to fight, and dies facing the foe, we give the name of hero.

Yet the narrow confines of the hospital ward is often the scene of far braver struggles than those of warfare. In February, 1908, at Providence Hospital in this city, Senator ASBURY LATIMER made a last heroic resistance to the great enemy—Death.

With no martial music to inspire him, with no cheering army to make him forget the danger, he fought for life steadfastly, silently, heroically, and when vanquished he died like a hero, with a smile for those who loved him.

And Senator LATIMER longed to live. Life had meant to him successful achievement of ambitions which had grown with his growth.

It is hardly possible that as a youth even imagination whispered to him of the honors he would win in the future, for ASBURY LATIMER as a boy had only one claim to fortune—he was an American!

That, and that alone, made possible his wonderful progress.

In another land even his indefatigable energy, his receptive mind, and his ready grasp of conditions could never have met with the acknowledgment that was given to them in this great Republic—this Government "of the people, by the people, and for the people."

Year by year, as one by one obstacles in his pathway were overcome, his ideals grew higher and another step was taken toward the honored position which he held at the time of his death.

It is not my purpose to review the life and work of Senator LATIMER. That has been already fully and ably done by my colleagues. I would simply add my tribute of admiration and respect for those qualities of heart and brain which made Senator ASBURY LATIMER a true and worthy Representative of the proud old State of South Carolina.

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. GEORGE C. STURGISS,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 26, 1909,

On the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. STURGISS said:

Mr. CHAIRMAN: I am heartily in favor of the proposed amendment to increase the appropriation for continuing the investigations as to the causes of mine explosions, with a view to increasing safety in mining. The amount reported by the committee for this purpose is only $100,000, and the amendment will increase it to $150,000.

We are appropriating large sums of money for creating and caring for forest reserves, for irrigation and reclamation of arid lands, for extension of mail service, for fish hatcheries, for building battle ships and supporting the navy and the army, for fortifications, to support the diplomatic and consular service, for our agricultural colleges, and for promoting the prosperity of our farmers, all necessary and proper purposes for the exercises of government activity. Congresses and conventions to conserve our great natural resources in forests, mines, soils, water, and many other things are important, no doubt, but is it not high time to do something to conserve the richest asset the Nation possesses, the men whose lives are more valuable than all material resources and assets? They are the creators of all wealth. Machinery, labor-saving devices, and intellectual power can never dispense with manual labor in some form, which must supplement and keep in motion these artificial aids to human labor.

These expenditures just enumerated do not have for their object the saving of human life, but only the development of the material and physical resources of our country.

Health congresses to fight tuberculosis, the creation of hospitals and sanitaria, the employment of medical experts, and the myriad forms of help to assure the general health of our people to suppress contagious and infectious diseases are certainly just and proper forms of government aid for promoting the general welfare. In the midst of every great calamity our hearts are touched, our purse strings loosened, and we generously vie with each other to afford immediate relief to the sufferers. San Francisco, calling from her ashes and her desolation, was helped most lavishly. Ere Italy, stunned by the most appalling disaster of modern time, could voice her misery and her needs, millions of treasure and thousands of helping hands were tendered. When in December, 1907, four great explosions in the mines of three States brought sudden and horrible death to many hundred miners, made half a thousand widows and more than a thousand orphans, the hearts of all men and women were touched, and material aid was most abundantly tendered. But this could not bring to life the breadwinners in these homes, to care for the loved ones whose lives must henceforth be marked by harder toil, with greater self-denial, and with perpetual sadness over the tragic death of father, son, or brother. How much wiser and better to have prevented the loss of property, of wages, of human lives, and the consequent misery by precautionary and preventive measures.

It is folly to say that much of this fearful slaughter could not have been prevented. It is a reflection upon the intelligence and capacity and humanity of the people of the United States that the proportion of deaths and injuries in our mines to each 1,000 of men employed underground is much greater than in the deeper mines of England, or of France, Belgium, or Prussia; and it is the saddest part of the whole history of mining in this country that the percentage of deaths and injuries is steadily increasing.

We employ in the mines and quarries of this country over 1,000,000 persons, and the percentage of deaths is annually greater than among railway employees. In the last eighteen years over 25,000 lives have been sacrificed in the mines of this country. The percentage as compared with the principal mining countries of the Old World is as follows:

Number of men killed for each 1,000 employed—averages for five years.

France (1901–1905)	0.91
Belgium (1902–1906)	1
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39

Is it any wonder public sentiment has been greatly aroused to the absolute necessity of a thorough study of the causes that have produced these fearful losses of life, with a view of preventing their recurrence or greatly reducing their number and consequent losses?

Three principal measures have been proposed, each of which should be enacted into law, and all plainly within the scope of federal power.

First. The creation of a bureau of mines in the Department of the Interior. Many hearings have been held by the Senate and House committees on this subject and a mass of evidence taken showing the necessity of such a bureau. In this opinion miners, mine owners, and experts all concur. The House has passed a bill, now on the Senate calendar, which can and should be enacted before the close of this Congress.

It is as follows:

A bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines.

Be it enacted, etc., That there is hereby established in the Department of the Interior a bureau, to be called the bureau of mines, and a commissioner of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall also be in the said bureau such clerks, agents, experts, and other employees as may be necessary to carry out the provisions of this act.

SEC. 2. That it shall be the province and duty of said bureau and its commissioner, under the direction of the Secretary of said department,

to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the values of mineral products and markets for the same, and of other matters pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

SEC. 3. That the Secretary of the Interior shall provide the said bureau with furnished offices within the city of Washington, with such books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

Second. The establishing in each State of schools of mines and mining engineering, in which should be taught a scientific and practical knowledge of all that pertains to mining operations, with a study of the conditions peculiar to the mines of the State in which the school of mines and mining engineering is located, and with an exchange of bulletins and reports of all research and investigation work done in each year. These schools should furnish skilled miners, fire bosses, engineers, and superintendents, with a knowledge up to date as to explosives, gases, safety devices, ventilation, and all that tends to economy and conservation of products, safety and sanitary conditions as related to employees and rescue work.

Such a bill has passed the Senate, and a substitute for it practically along the same lines has been approved and recommended by the House Committee on Mines and Mining.

It is as follows:

That there shall be appropriated from the sale of public lands, not otherwise appropriated, the sum of $5,000 for the fiscal year beginning July 1, 1909; the sum of $10,000 for the fiscal year beginning July 1, 1910; the sum of $15,000 for the fiscal year beginning July 1, 1911; the sum of $20,000 for the fiscal year beginning July 1, 1912; the sum of $25,000 for the fiscal year beginning July 1, 1913; and $25,000 for each succeeding year thereafter, to each State and Territory in the United States, for the establishment and maintenance, under the control of the Secretary of the Interior of the United States, of a school or department of instruction in mines and mining.

SEC. 2. That if there be already established in any State or Territory a school of mines and mining under the control of said State or Territory, or a department of instruction in mining connected with any institution of learning controlled by said State or Territory, then the moneys appropriated in section 1 of this act shall go to said school or department of instruction already established.

That if there are two schools or departments of mines and mining in any State of Territory under the control of said State or Territory, then the money so appropriated shall be equally divided between such schools or departments.

That if there be no school or department of instruction in mines and mining already established in any State or Territory, the school or department of instruction in mines and mining herein provided for shall be established in connection with an agricultural college, if there be such, controlled by said State or Territory. In States and Territories having no school or department of instruction in mines and mining already established, or agricultural college, then the Secretary of the Interior shall designate some other institution of learning controlled by said State or Territory, in connection with which said school or department of instruction in mines and mining shall be established: *Provided*, That if any State or Territory have no school or department of instruction in mines and mining, or agricultural college, or other institution of learning controlled by said State or Territory, then the Secretary of the Interior shall designate some accessible and convenient place in said State or Territory where the school of mines and mining herein provided for shall be located.

SEC. 3. That the moneys appropriated in section 1 hereof shall be expended only for instruction, research, and experiment (including the employment of instructors and experts, the purchasing of apparatus, supplies, and books, and the equipping of laboratories) in mining, mining machinery (with the application of electricity thereto), mining engineering, ore treatment, metallurgy, assaying, and chemistry and geology, so far as these sciences relate to minerals and mining, with a view to teaching a practical and scientific knowledge of the best and safest methods of mining and carrying on the business of mining and of producing gold, silver, coal, and other minerals, oil, gas, and medicinal waters, and also the concentrating, smelting, refining, and other preparation of the same for marketing, so far as the same may be necessary and appropriate to the mineral resources of the State or Territory in which said school or department of instruction in mines and mining shall be located, and especially for the study and prevention of explosions, fires, and other dangers incident to the carrying on of mining and the mining industry, in order to secure the most intelligent conservation, use, and development of the mining and mineral resources of the country, to make the lives of miners more safe, property in mines more secure, and to promote the general welfare of miners and operators of mines.

SEC. 4. That the head of each school or department of instruction in mines and mining established according to this act shall report in writing annually, on or before the 1st day of July, to the governor of the State or Territory in which said school or department of instruction is located, the condition, progress, and work of the school or department of instruction during the year past, together with such recommendations as he may deem best for accomplishing the purposes of this act as set forth in section 3 hereof; and that a copy of said report shall be also sent to the Secretary of the Interior.

SEC. 5. That if at any time, in the discretion of the Secretary of the Interior, any school or department of instruction in mines and mining provided for in this act shall not be faithfully carrying out the purposes of said act as set forth in section 3 hereof, then all moneys herein appropriated for said school or department of instruction shall be withdrawn from said school or department of instruction until the same shall have produced evidence satisfactory to the Secretary of the Interior that said school or department of instruction is faithfully carrying out the provisions of section 3 of this act.

SEC. 6. That the sums hereby appropriated to the several States and Territories for the purpose herein specified shall be annually paid, on or before the 31st of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the state or territorial treasurer or to such officer of each State or Territory as shall be designated by law to receive the same, who shall, upon the order of the trustees or other board of control of said college or university or separate school of mines, immediately pay over said sum to the respective treasurers of such institutions or to such other officers as may be duly authorized by said trustees or board of control to receive the same.

Third. The investigations as to the causes of mine explosions, with a view to increasing safety in mining, being the item in the sundry civil appropriation bill now under consideration. This is the only one of the three measures for promoting a greater knowledge and safety in mining operations that has yet received congressional sanction, and it is but a beggarly concession to the demands of the public, the miner, and mine owner. The subject is too large, too diverse, the difficulties too great, and the want of exact knowledge such that no miners' organization, no mine owner, and no individual or group of individuals can successfully grapple with it and solve the difficulties. Hence the necessity of government aid.

The work of the testing and experiment station at Pittsburg, for which this appropriation is asked, may be briefly set forth as follows:

MINE-ACCIDENTS INVESTIGATIONS, UNITED STATES GEOLOGICAL SURVEY.

These investigations, conducted under an appropriation provided in the legislative, executive, and judicial appropriation bill, carried an appropriation for the fiscal year 1909 of $150,000.

The act was approved May 22.

By the 1st of July, the beginning of the fiscal year, a location for the testing work had been secured by transfer of certain buildings under the direction of the Quartermaster-General of the Army at the old arsenal grounds, Pittsburg, Pa. As many as 50 detailed drawings had been made, specifications prepared, contracts entered into, and work started on the repair and rearrangement of these buildings to fit them for their new uses. An equal amount of designing and drafting, specification writing, and so forth, had been completed on the many special detailed instruments and appliances requisite to the work. By the end of August preliminary tests in the steel mine gallery and in the lamp gallery and the rescue apparatus were in progress.

The plan of the work included a *section of mine-accidents and mine-explosions investigations; a section of tests and analyses of explosives used in coal mining; and a section of mine-rescue and mine-lighting apparatus and appliances for the testing thereof.*

By midsummer civil-service examinations had been held and a corps of the most skilled mining and mechanical engineers procurable had been assembled. Mr. George S. Rice, having perhaps the largest experience in actual coal-mining operations and consultation regarding coal-mining methods, was procured as head of the field investigations into mine accidents and explosions. A number of mining engineers familiar with mining conditions in the various coal fields have been secured and have been at work in the field for months past investigating the methods of mining, visiting scenes of explosions and fires, and examining into the conditions which lead to these disasters, with a view to the procurement of information for their future amelioration. By turns these men have been stationed at Pittsburg, familiarizing themselves with testing explosives, testing safety lamps, and the use of mine-rescue apparatus and artificial respiratory helmets, etc.

These preliminary investigations having made good progress, and the training having been completed, arrangements are now being perfected for establishing substations as headquarters for mine-accident investigations and for instruction and assistance in mine-rescue operations. Arrangements have been perfected for the establishment of one such station at Urbana, Ill., in cooperation with the state geological survey of Illinois, under conditions whereby the State will furnsh the building and accessories and the United States will take charge of the technical work of training miners and others in the use of rescue apparatus and in the direction of rescue operations when called upon, in addition to conducting their field work from this central location. Negotiations are making good progress toward the establishment of similar stations in the other important coal-mining regions.

Mr. J. W. Paul, formerly chief of the department of mines of West Virginia, one of the most experienced mining engineers in the country in inspection of mines and in the investigation of explosions and disasters, is at the head of the section of mine rescue and mine lighting, with headquarters in Pittsburg, and assisted by a corps of mining engineers specially fitted for this work. Under Mr. Paul's direction, instruction is given the mine engineering force in the testing and use of this apparatus. A number of miners provided by the coal operators within

easy reach of Pittsburg have already been trained in the use of rescue apparatus at the expense of the mine owners, who have provided at their own expense all necessary instruments and appliances for use at their mines. Whenever a disaster occurs in this region, telegraphic information reaches the Pittsburg testing station, and Mr. Paul and his assistants proceed to the scene after wiring the miners they have trained to join them with their apparatus, and in this manner it is possible to rapidly assemble a large force of men who have had previous experience in mine-rescue work and who are familiar with improved methods of assisting in life saving under such circumstances. The rescue apparatus includes helmets for the protection of the head, and accessories whereby it is possible to artificially breathe air, even when in mines in which the quantity of deadly gas is so abundant that life could not be sustained more than a few minutes without this artificial respiratory arrangement. On a number of occasions, notably at the Hazel mine disaster, near Pittsburg; the Washington mine disaster; Marianna mine; Ziegler mines, Illinois, and so forth, this corps has rendered efficient service in rescuing persons, in removing bodies of the dead, and in directing operations necessary to clearing the mines and placing them in condition to resume operations, whereby those miners who would otherwise have been thrown out of employment for many weeks are enabled to resume work within a few days. Such assistance, however, can only be rendered within a limited radius, as exceedingly prompt arrival on the spot is essential to any successful results. It is for this reason that Mr. Paul and his force is training the mining engineers and force in the use of this apparatus and methods with a view to the establishment of substations locally accessible.

The section for testing and making analyses of explosives used in coal-mining operations is under the general direction of J. C. Roberts, an experienced mining engineer, with Clarence Hall, one of the best-qualified explosives experts in the country, in charge of physical tests, and W. O. Snelling, a skilled chemist, in charge of analyses of explosives.

At the request of the Illinois powder commission, composed of representative mine owners and mine operators, which samples all the powders being used in the mines in that State, complete analyses and grading of the sizes of powder grains have been finished. Routine analyses of the enormous purchases of explosives for use on the Isthmus of Panama, and by the Reclamation Service in blasting operations in which life is endangered owing to the frequent receipt of unsafe explosives, have been completed and 43 made, involving several hundred chemical determinations. Over 100 analyses of powders and dynamites in use in mining operations have been made, involving about 800 chemical determinations. These powders are undergoing various tests as to size of grain, durability, safety from spontaneous combusion, and so forth. At least two explosives on the market found to be dangerous have been quietly withdrawn by the manufacturers at the instance of the Geological Survey. Analyses of gases resulting from explosives to the number of 336, involving a thousand determinations, have been completed.

Over 700 physical tests have been made of the various explosives collected by the government mine engineering force and state mine inspectors, furnished by coal operators and miners, to determine their behavior under various conditions. For two months continuously the mine gallery has been in operation day and night with three eight-hour shifts, standardizing and calibrating instruments for this gallery, in order that official tests might be commenced at the earliest possible date relative to the behavior of various explosives in the presence of various mixtures of coal gas and coal dust. Many of these demonstrations have been public, and have been most beneficial already in directing attention of those engaged in mining operations to conditions under which use of explosives are dangerous. These standardizing tests have been completed, and the accompanying notification has been issued manufacturers of explosives inviting official tests of the same, which are in progress.

A large number of tests have been completed of the various safety lamps to determine conditions under which they may or may not remain lighted or cause explosions. Similar tests have been completed to determine the danger of denatured explosives by dropping or jarring them in handling and to determine the safety of electric lighting of various voltages, electric hauling or hoisting apparatus, and so forth, in the presence of dangerous mixtures of coal gas or coal dust.

What is wanted is not hysterical, crude, and ill-considered legislation to correct admitted evils, but whose origin and cause are as yet unknown or little understood, but a careful study by and through a bureau of mines, with its experts working and investigating everywhere, under all conditions, in all the mining regions of the country, and publishing the results of their studies and investigations; the continuation of the carefully conducted tests and experiments at the experiment and testing station at Pittsburg and elsewhere; and the creation and support of the schools of mines in the several States. All these, cooperating in harmony, should soon be able to gather much accurate knowledge and disseminate it and educate in the highest degree expert and practical students in all that pertains to the mining industry, who should find lucrative employment in manning and managing the second largest producing industry in the country.

Scarcely more than a year ago there was much diversity of opinion whether coal dust was explosive, or in what degree; and to what extent, mingled with mine gases, it was responsible for these explosions. New tests at the station at Pittsburg have demonstrated beyond all doubt that, mingled with a small per cent of the inflammable gases usually found in the bituminous mines, it becomes a force of terrible explosive power. Until greater and more exact knowledge has been accumulated, it will be impossible to legislate intelligently with the purpose of securing greater safety or immunity from danger.

Doctor Holmes, in charge of the technological branch of the United States Geological Survey, has officially expressed the opinion that, with all the investigations of this and other countries up to date, sufficient information had not yet been obtained to justify any changes in present mining methods, and that the causes of these disastrous explosions had not yet been sufficiently determined.

The coroner's jury investigating the mine explosion at Monongah, in my State, on January 15, 1908, stated:

> There are many unsolved questions connected with coal-mine explosions. We recommend that Congress make an appropriation for the establishment of a bureau of investigation to aid in the study of the various conditions under which the explosions occurred and as to how they may be prevented.

I am just in receipt of the following telegram from Governor Dawson, of West Virginia:

CHARLESTON, W. VA., *February 24, 1909.*

Hon. GEORGE C. STURGISS,
Care of House of Representatives, Washington, D. C.:

Legislature has adopted joint resolution which has been approved by me urging you to aid in securing prompt passage of pending bill for establishment of national bureau of mines.

W. M. O. DAWSON, *Governor.*

Mining engineers, mine owners and operators, all the organized miners, United Mine Workers, the technical press, and the public press are practically unanimous and most urgent in declaring it the duty of Congress to create a bureau of mines, establish schools of mines and mining engineering in the land-grant colleges and universities, one at least in each State, and to carry on the work of the stations investigating the causes of mine explosions, with a view to increasing safety in mining.

Sentiments of humanity, public policy, increased efficiency, economy of production, and conservation of our mineral resources all demand immediate and affirmative action on all three of these measures. If I can be instrumental in bringing these to a successful issue, I shall regard that as honor enough for half a dozen terms in Congress.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOHN A. KELIHER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of the House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. KELIHER said:

Mr. SPEAKER: It was my good fortune upon entering Congress, six years ago, to draw a seat beside that of the late Member from Rhode Island, Hon. DANIEL L. D. GRANGER.

Sitting together upon this side of the House as Democrats from New England, we naturally formed an early acquaintance, for the company of New England Democrats in Congress has been discouragingly limited of late. This acquaintance gradually developed into an intimate friendship which I prized as

one of the most valuable of my life. Mr. GRANGER was magnificently fitted for service in Congress. He was gifted by nature with a fine mind, which was fully equipped by thorough education and extensive travel; possessed of a high sense of honor; and was in perfect sympathy with the highest traditions of our history. He approached the consideration of every public question with rare intelligence and courage. The public welfare was his sole guide in public life. With the demagogue he had neither sympathy nor patience, and when his conscience and political expediency did not harmonize, all thought of the political effect of his action vanished from his mind, and his vote answered the command of conscience. He was a model citizen, and the discerning people of his State appreciated the fact, for they chose him almost continuously to represent them in administrative capacities, and their confidence was repaid in the perfect character of his service.

His assignment to the Ways and Means Committee, the most important of the House of Representatives, indicated his high standing in this body. He was personally popular with the membership of the House, which recognized and respected in him a manly man and courtly gentleman as well as wise counsellor, whose sound advice was available to all who would but ask it. He approached very near to my ideal of statesmanship.

Mr. Speaker, the cause of good government in Rhode Island lost a stalwart champion in the demise of Representative GRANGER that it can ill-afford. Let us hope that the great record which he established in public life will attract to his methods the young men of that State entering public life.

Mr. Speaker, while in his death I lose a dear friend to whose sound advice I owe more than words at my present command will indicate, I am still the beneficiary of profitable precepts which came to me through years of association with the distinguished gentleman to whom I pay this modest and inadequate tribute—DANIEL L. D. GRANGER.

Ship Subsidy.

SPEECH
OF
HON. WILLIAM H. GRAHAM,
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GRAHAM said:

Mr. SPEAKER: This great question of merchant marine, the most important, in my estimation, that faces the Nation at present, is not a legal question for lawmakers, but purely a business proposition. For this reason I, as a business man, call upon you lawyers to consider it from a business standpoint.

There are 264 lawyers in this Sixtieth Congress. This includes the Speaker, of whom, however, it has been said that, like the Gentiles of old, "having not the law, he is a law unto himself." It ill becomes me, a plain business man, to split legal hairs with these bright lawyers, but when it comes to a question like this, involving the shipping industry of this country, the only industry, by the way, that has never been protected, I feel it my duty to at least say a word in favor of it.

I wonder if President Roosevelt, while he was reviewing our fleet last week upon its return from the round-the-world cruise, was reminded of the fact that this great country of ours had such an insignificant merchant marine that it was necessary for us to send the coal which was consumed by that fleet in foreign bottoms.

We are all proud of our navy, but of what use is it if we are dependent upon the merchant marine of foreign countries to transport and furnish it with the coal necessary to propel our war vessels and operate our turrets and our guns?

But what is of still more vital importance is our foreign trade, our trade with the Orient and with our South American neighbors especially. We believe in competition. We have been enacting laws against the trusts because they would not permit of competition, yet we paralyze our own shipping industry and force our merchants and manufacturers to submit to all sorts of boycotting at the hands of the owners of foreign ships because we refuse absolutely to encourage—or, I should say, substantially encourage—the building up of a merchant marine of our own. Our commercial competitors pay nearly $30,000,000 annually to their steamship lines. We employ our consular officers in all parts of the world to promote our business relations with the peoples of the various countries. For this alone we expended over $1,800,000 for the fiscal year ending June 30, 1908, and this amount is increasing every year. If we are willing to make these expenditures for the purpose of promoting our commercial relations, we certainly should make some provision by which we can assist in the promotion of a merchant marine for the transportation of our products.

We are pledged to "encourage the upbuilding of a merchant marine," and I hope the House will do so substantially by the passage of this bill.

Passports of Jewish Citizens.

SPEECH
OF
HON. GILBERT M. HITCHCOCK,
OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On House joint resolution 235, requesting the President to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States.

Mr. HITCHCOCK said:

Mr. SPEAKER: I am glad of the opportunity to say a few words in support of this resolution introduced by my friend, Judge GOLDFOGLE, of New York. The only regret I have is that the Committee on Foreign Affairs has not seen fit to report the resolution in stronger, clearer, and more emphatic terms. In its present form the resolution requests the President of the United States to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection of American citizens holding passports issued by our authorities, so that Jewish-American citizens may receive the same protection and immunity in Russia which other Americans receive when carrying a passport and visiting that country.

Five years ago this House passed a similar resolution, requesting the President to renew negotiations with such governments as discriminated against Jewish Americans, and as that request and those negotiations have been of no effect so far in the case of Russia, it seems to me that the time is approaching when the House of Representatives and other departments of the Government might very properly adopt more effective measures and speak more emphatically. This is not a new question in America. For many years the matter has been agitated. Year after year and session after session Judge GOLDFOGLE, of New York, and others have demanded that Russia should accord to Jewish-American citizens the same privileges of travel in Russia that Russia accords to other American citizens and to other citizens of other countries. These privileges are no more than America accords to all the citizens of all countries. They are no more than all nations of the world except Russia accord to Jewish Americans. No argument is made, on this floor or elsewhere, so far as I know, which presents any substantial reason why Jewish-American citizens should not have the right to travel in Russia the same as other American citizens have. No argument is presented here or elsewhere, as far as I know, which indicates that there would be any possible danger which could come to the people of Russia or to the Government of Russia by reason of permitting Jewish-American citizens to travel there and to enjoy the protection of American passports.

Why, then, is this discrimination against the American Jew? It is a discrimination based wholly upon prejudice, a prejudice which either has its foundation in race hatred or religious intolerance. In either case the American people have the right to resent it. An American passport ought to be good in all countries of the world when in the possession of a law-abiding American citizen. This country can not afford to allow its dignity to be affronted by further indifference to this arbitrary stand taken by the Russian Government without reason and without apology.

Mr. Speaker, I commend my friend Judge GOLDFOGLE for the persistence and the ability with which he has pressed this issue upon the floor of the House of Representatives. I only wish that I might also extend my congratulations to our Department of State. It seems to me remarkable that while the United States of America, affording to the citizens of Russia all the privileges and immunities, all the friendship and the consideration which are due to the people of a friendly nation—I say it seems to me strange that in extending these privileges to Russia

this country has been willing to tolerate this unjust discrimination against a large number of our American citizens. It was an American who secured freedom of the press for the newspapers of Russia. America has furnished the example to inspire all the reform elements of Russia to attain self-government. America shielded Russia and assisted that broken empire to conclude an honorable peace with Japan, and further aided her after the war. Surely America ought to be able to secure from the Emperor of Russia recognition and honor for American passports in the hands of peaceful, law-abiding, and reputable American citizens, whether they be Jews or Gentiles.

Mr. Speaker, I have said that I regret that the resolutions now before the House are not stronger. I regret that they do not have much of the vigor and vitality which they had as originally drawn by Judge GOLDFOGLE. I regret that the Committee on Foreign Affairs has found it necessary to moderate these resolutions so much and to make them so mild and inoffensive. Nevertheless, as this seems to be the best that we can procure at the present session, I shall take pleasure in voting for the passage of these resolutions requesting the President to renew negotiations with Russia, and I trust the Department of State, under the direction of the President, will insist firmly, even though it be politely, upon the American demand that a passport from the United States shall be honored when presented by a Jew as well as when presented by a Gentile. If these negotiations fail, as other negotiations have heretofore failed, then I hope the House of Representatives will inspire the Department of State to take stronger measures to bring about justice to the Jews of the United States and honor to American passports.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS
OF
HON. AUGUSTUS P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. GARDNER of Massachusetts said:

Mr. SPEAKER: Gentlemen may make merry in these days when claim is made as to the especial merit of the "stock of the Puritan." Gentlemen are welcome to their merriment so long as their acts continue to belie their mirth. So long as men choose the Puritan as their leader and their representative, so long as men show themselves willing to trust their Puritan leader's judgment and his decision, whether or not it coincides with their own, just so long will the world believe that the doctrine of austere honesty has proved its case.

GRANGER was a Puritan of Puritan beliefs, Puritan uprightness, Puritan singleness of purpose. Yes, of Puritan prejudice, if you will have it so. Sprung from my own people, from my own town of Ipswich, in Massachusetts, from my own kinsfolk, he inherited the virtues of his forefathers and he inherited their shortcomings. Yes, but their virtues were enhanced in his character, while their shortcomings were reduced to that minimum which nature exacts from all men.

To those of us who love the lime light of publicity, GRANGER'S successful career may serve as a notice that the buskin and the mask are not the only effective accessories in progress through the world. His part in the comedy or the tragedy of life, call it whichever you will, bore no relation to the applause of the emotional beings in front of the footlights. Of them he never sought the acclaim. He never received their applause; but from the thinking multitude who act but never applaud he wrested the appreciation due to him who had been faithful over a few things, and so had shown his capacity to be a ruler over many things.

To those of us who are struggling for the appreciation of our constituents, as well as for that of our fellow-Members of the House of Representatives, there are two guerdons of success which each one of us longs to wear as a medal on our breast. There are two committees in which membership invariably signifies one of two things.

If a Member of this House is selected for a place on the Committee on Appropriations or on the Committee on Ways and Means each one of us knows, even if the country does not know, that the Member selected is a man who stands above his fellows. GRANGER was a member of the Committee on Ways and Means. Are there many of you who would decline that great honor if it were offered you? I venture to say there is not a Member of this House who would not give much to attain that prize. Yet GRANGER did not attain it either by an unbecoming straining toward the glory of the journalistic headline nor by the unworthy ranting of the demagogue or the visionary. By the solid, substantial, unostentatious performance of his work he won his opportunity for greater work and greater influence. Let those of us who seek reward by the meretricious short cut of notoriety take heed from his example.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS
OF
HON. JOSEPH F. O'CONNELL,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. O'CONNELL said:

Mr. SPEAKER: As a New England Democrat, my position today, participating in these memorial exercises to the memory of my late colleague, has a doubly sad significance. It is painful to comment on the loss of one who has been a colleague, with whom relations have been most pleasant and cordial, but it is even more so when it is realized that his departure removes from Congress one of the small handful of Democrats who represent the great group of New England States.

In the political economy of this Nation it may, perhaps, be generally accepted that an uneven division of political responsibility is to be regretted. New England with her almost solid representation of Republicans, and the South with its even more solid Democratic representation, afford two striking examples of this policy. Many leaders of highest thought in New England have believed that this policy has injured the interests of New England in many instances in the last two decades. Rhode Island, however, was wise enough to dissent from her sister New England States and divided her representation, giving to Mr. GRANGER, as a Democrat, the honor of representing her for three successive terms in the National Halls of Congress, along with his colleague, Mr. CAPRON, of the opposite political faith.

This policy proved a happy one, and in the choice of Mr. GRANGER splendid discernment was shown and just recognition paid to meritorious and honorable service rendered by him in prior years, when, as reading clerk of the Rhode Island legislature and treasurer and mayor of Providence, he won the esteem and respect of all those who knew him of both political faiths. That the policy of the citizens of Rhode Island was not a mistaken one was clearly shown when Mr. GRANGER was elevated to the very important position of membership on the Ways and Means Committee, the most important committee in Congress. This place on the committee gave to the State of Rhode Island a position in the councils of the Nation which her very large industrial interests and her splendid traditions justly entitled her to and was an impressive vindication of the policy of her citizens in sending a Democratic Representative to Washington.

The Democracy of the Nation mourns the loss of Mr. GRANGER and to-day joins the citizens of the First Rhode Island District in paying due and merited respect to his memory.

It was, indeed, unfortunate that in the last year of his life his health was poor, but his patience, good nature, and courage

in fighting off the malady which finally proved fatal won for him the admiration and love of his friends, and his gallant fight will always be regarded with the warmest respect by all who knew him.

Mr. GRANGER was courteous, considerate, and polite, thus splendidly combining those elements which distinguish a gentleman and won for him the love and esteem of his fellow-men. As a university graduate, he carried into the vital affairs of this Nation those ideals which had come to him from a line of ancestors who believed in the undying principles of Jefferson and Jackson. He early recognized that this Government, in order to be a success, must continue along the lines of its founders, and a continuation along that line meant that it must be governed by one of the big parties. He believed the Democratic party better equipped in principle, as his fathers had before him. As a strict party man, Mr. GRANGER had the confidence of his party associates; as a Member of Congress, he had the respect of his political opponents because of his loyalty, fealty, and strict adherence to Democratic doctrine.

The most regrettable part of his career was the fact that the last six months found him physically unable to meet the demands imposed upon him as a Member of Congress from a district with large, varied, and important interests. His friends and close associates believe that had his health continued as it was in prior years he would unquestionably have been reelected. As it was, Mr. GRANGER felt that he had been reelected. With this thought firmly impressed in his soul, he was preparing to contest the seat of his opponent at the polls. Unquestionably this belief on his part was sincere. I know nothing about the merits of the case, nor do I care at this time to in any way discuss them, other than to say that, believing as he did, he certainly acted as a man in carrying the fight to the highest tribunal. To die fighting a just cause is glorious to men. DANIEL L. D. GRANGER died fighting for what he felt to be a just cause.

In his death Democracy loses a loyal, illustrious, and deservedly honored son; the Nation mourns the departure of a wise counselor; the State of Rhode Island, with reverence, places his name among those of her sons who, born on her soil and educated in her schools and university, continued through life to remember the ideals and the traditions which from the days of Roger Williams have placed Rhode Island high in the galaxy of States forming the American Union.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOSEPH A. GOULDEN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. GOULDEN said:

Mr. SPEAKER: On Sunday, February 14, 1909, our colleague DANIEL L. D. GRANGER, of Rhode Island, departed this life. He died in Washington, at the post of duty, though unable to attend the sessions for some time prior to his death.

For two years he suffered with an incurable disease, which he bore with Christian fortitude and resignation. It was my good fortune to know our late colleague quite well, and the relations existing between us were always of the most friendly character.

To know him was to respect and love him. He was a man of deep feelings and great sympathy. It was his invariable custom to bid everyone a cheerful "Good morning!" and in a pleasant manner inquire about your health. His disposition was a jovial one, and he was fond of telling a good story. His companions loved to hear him, no matter what his subject might be.

As a Member of Congress he was faithful and earnest in the discharge of his duties. He rarely missed a committee meeting or a session of the House. In his action on important matters he was disposed to be independent and nonpartisan. He measured up to the full standard as a man and as a statesman. His life is an inspiration for the young men of the Nation. It shows what a poor boy can accomplish in this favored land. Beginning at the bottom of the ladder he worked his way up to the top, becoming one of the leading men, not alone of his State but of the Nation. His loss will be seriously felt by all who had the honor of his acquaintance.

Our consolation is that he did not live in vain—that his example is left us for the inspiration and conduct of those who follow him.

We mourn him dead, but "his deeds do live after him."

Now is the stately column broke,
The beacon light is quenched in smoke;
The trumpet's silver voice is still,
The warder silent on the hill.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. WILLIAM H. RYAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. RYAN said:

Mr. SPEAKER: My acquaintance with our late colleague, to commemorate whose memory we have met to-day, began when he entered the Fifty-eighth Congress. As time passed our acquaintance ripened into a warm friendship.

Mr. GRANGER having friends and business interests in Buffalo, my home city, he frequently visited there, and on those visits I often had the pleasure of his company. He was a typical New England gentleman. It was always a pleasure to meet him.

He was a lineal descendant of Launcelot Granger, who with his wife came from England and settled in Ipswich, Mass.

Capt. Abner Granger, a descendant of this common ancestor, served with distinction in the war of the Revolution and was with Washington at Valley Forge.

His grandfather, Erastus Granger, was a warm supporter of Thomas Jefferson. He and Gideon Granger, his brother, were residents of the State of Connecticut and were surveyors and civil engineers, and were engaged by many New Englanders who had invested in Virginia lands to go to Virginia and survey them.

During their stay in Virginia they visited Monticello and there met Thomas Jefferson and became very much attached to him. On their return to their home in Connecticut they were enthusiastic in their praise of Jefferson and the policies he advocated.

When Jefferson was a candidate for the Presidency of the United States those sturdy New Englanders traveled through their State advocating his election. Afterwards President Jefferson, in appreciation of the services rendered, appointed Gideon Granger Postmaster-General in his Cabinet and Erastus Granger was named as the first postmaster of the then village of Buffalo, N. Y.

Both rendered distinguished services to their country. Erastus Granger, representing the United States, after much negotiation with the famous Indian chief, Red Jacket, of the Iroquois or Six Nations of New York State Indians, succeeded in keeping that powerful tribe neutral during the war of 1812.

Mr. Erastus Granger was for years one of the leading citizens of Buffalo, and there are many landmarks to-day in that city that recall the family name.

DANIEL L. D. GRANGER's father, Rev. James N. Granger, was a clergyman, and settled in Providence, R. I., where our late colleague was born in May, 1852. Mr. GRANGER gradu-

ated from Brown University in 1874; was admitted to the Rhode Island bar in 1877. He practiced his profession in his home city; was twice elected reading clerk of the Rhode Island House of Representatives; was for eleven years after 1890 city treasurer of Providence, and for two terms elected mayor of that city, and when death called him was completing his third term as a Member of this body. He was of the old school of New England Democracy.

To know Mr. GRANGER was to love him. He was a man of good habits, an exemplary citizen, and lived an upright life. He was a conscientious Representative and an able legislator.

His kind manner endeared him to all, and by his death this House has suffered a great loss.

It was my privilege to be one of the committee appointed by the Speaker to pay the last tribute of respect to our departed colleague. The services were held in St. John's Church, Providence, and that magnificent church was filled with mourners, including state and city officials and hundreds of sorrowing friends. The burial was at Swan Point Cemetery, where all that was earthly of DANIEL L. D. GRANGER is laid at rest.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. ADIN B. CAPRON,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CAPRON said:

Mr. SPEAKER:

Who misses or who wins the prize
Go lose or conquer as ye can,
But if ye win or if ye lose,
Be each, pray God, a gentleman.

The actuating impulse of the life and the character of DANIEL LARNED DAVIS GRANGER, who recently passed from our midst to the great beyond, was in his instincts habitually of the quality of a gentleman in every relation in life. Born in the city of Providence May 30, 1852, and reared in the atmosphere of a religious home, his youth and young manhood promised the fruition which his later life fulfilled. He gave constant and consistent effort to the promotion of his high ideals of religious life and living. A graduate of Brown University, in 1874, he chose the law as his profession in his native city of Providence, and my personal acquaintance with him began with his acceptance of the position of clerk in the Rhode Island house of representatives. Soon thereafter he was chosen by his fellow-citizens to the responsible office of city treasurer of Providence. His incumbency of that position was characterized by a high degree of ability and probity, and resulted in the commendation of his people. His success in keeping the credit of his city upon a high and honorable financial plane was duly appreciated and commended. Continuing in the service of his city, the second in size in New England, he was called to the high office of chief executive thereof. His service as mayor was characterized by an able, honest, and progressive administration, and after serving two terms he voluntarily declined to accept renomination to the mayoralty. But he was not permitted to retire from public life, and was nominated and elected to represent his—the first district of Rhode Island—in the Congress of the United States. His quiet and unostentatious manner as a new Member of this body won him the friendship of the Members of the House in a conspicuous degree.

In the second Congress to which he had been again chosen, he was appointed to membership upon our most important Committee on Ways and Means. The insidious and often distressing and painful disease to which he at last succumbed had deprived him of the opportunity to devote himself to the important work of his committee to the extent which his ambition impelled, but he bravely fought back his increasing suffering and took part in the work of the House and committee when at times prudence might have counseled him to give first attention to his health.

From the human view point it seems hard that this life should be cut short while one is still in his prime with so much to attain which seems approaching fruition; yet who can measure the real value of human accomplishment and its limitations? A single act may justify a whole life, even from the earthly point of view. Only the Supreme Intelligence can correctly appraise the worth of any one of us in His great scheme of the true value of our existence. The full value of man's service to his fellowmen, and as measured by our Creator, is not for finite minds to know.

Our friend has gone from the place in our midst which knew him so well. His memory will long remain to cheer us in our efforts to carry out each his little part in the infinite plan of life. It seems a pity sometimes that "the kindly things said of us after we have passed to our reward could not have been said while the subject was still upon the active field of life to cheer and sustain us in our efforts to aid in the uplift of humanity."

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. ANDREW J. PETERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. PETERS said:

Mr. SPEAKER: My duty as a colleague and my desire as a friend alike stimulate me to pay to Mr. DANIEL L. D. GRANGER, of Rhode Island, that respect which is his due and the utterance of which is to a friend a privilege.

Our Government exists by the will of its people, and the carrying out of that will is one of the highest duties of democracy. This duty the people of his city and State imposed on Mr. GRANGER, and that such trust was well placed no one with whom he came in contact ever questioned.

A public servant in many capacities, he for years served in the important office of treasurer and later as mayor of Providence, the second city of New England. To the public and to the country as a whole his most useful service, however, was rendered in the Congress of the United States. Respected and trusted, he received the support alike of those most truly interested in our country's welfare, and for three terms was sent by a constituency in which his party was in the minority to Congress. The confidence so placed in him was not misplaced, and his personality and talents earned for him a position on what is regarded generally as the most important committee of Congress—Ways and Means. That his labors are ended before the full measure of accomplishment of his life had come can bring but regret to all. That his life's work has in no small manner helped the welfare of his country and mankind does not need my statement.

Straightforward and upright, he stimulated by his example the best impulses of all with whom he came in contact. His unselfish and sympathetic nature drew naturally to him friends, and their loyalty and sorrow testify to-day more than words can tell to his memory.

Our country, to safely guard its treasures of liberty, needs the services of its citizens of the highest character. To-day we mourn one who has served his country in the noble work of peace with his highest effort, and as friends we will treasure always the memory of that man of character, simple and direct, and who gave of his best to our Republic—DANIEL L. D. GRANGER.

Treaty Between the United States and Russia.

SPEECH

OF

HON. HERBERT PARSONS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On the resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

Mr. PARSONS said:

Mr. SPEAKER: The passage of the resolution, with the object of which I am in hearty sympathy, is, however, entirely unnecessary, in view of the very determined attitude of the incoming President on this matter. In a speech made at the Thalia Theater, in New York City, on October 28, 1908, the Hon. William H. Taft said in regard to this subject:

Our fighting the Spanish war, our disposition of the Spanish dependencies, has given us a national prestige that our Nation never had before. The sending of the navy around the world has had an effect most useful when exercised by a government anxious for peace and determined to have it. But that national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship, and therefore as we gain in international prestige we ought to assert our insistence that our passports certifying our citizenship should secure to every man, without regard to creed or race, the same treatment, the same equality of opportunity, in every nation on the globe. Now, this is not a matter with respect to which promises of immediate accomplishment can be made, but of this you can be certain that if you commend the administration of Theodore Roosevelt by electing a Republican administration to succeed his, that administration will continue to press that question until the certificate contained in an American passport shall have the effect that it ought to have.

On October 26, 1908, at the Metropolitan Sänger Hall, in Brooklyn, N. Y., he had spoken to the same effect, saying:

It is a pleasure to be here, for nowhere in America is there a greater spirit of freedom and a greater appreciation of American institutions than right here among the people who owe so much to our immigration laws. * * * People have asked what is the use of a great navy or a great army or of establishing wide foreign relations. That has been the Roosevelt policy. After the Spanish-American war we established foreign relations on behalf of the dependencies, and Mr. Roosevelt has since been able to exercise a greater power for peace than any other President or monarch. It seems to me we ought to give the term "American citizen" the proud significance that "Roman citizen" gave in the days of Rome.

Therefore we should progress to the point where no matter in what part of the world an American citizen may be found his certificate of citizenship shall be all that is required to insure his respect and good treatment. Nothing, if I am elected President, will give me greater pleasure than to devise ways and means to make the American passport respected the world over. Do not misunderstand me. What I am promising is that every effort shall be made to this end.

Eulogy on Hon. Daniel L. D. Granger,

REMARKS

OF

HON. FRANCIS B. HARRISON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. HARRISON said:

Mr. SPEAKER: It is my privilege to pay tribute to the memory of our friend and late colleague, DANIEL L. D. GRANGER.

In his death the State of Rhode Island has lost a representative worthy of her highest traditions and noblest memories, the House of Representatives is deprived of a figure of commanding influence and highest integrity, and we, his friends, have lost the treasure of his companionship. There has passed out of our lives the abiding presence of a character in which tenderness and strength were of equal balance, in which rare cultivation of mind and manner served but to emphasize the vigor and power of the man himself.

It is not possible to gauge the profound effect of such a character upon his associates. Each one of us has gained something from our acquaintance with him. When a man of the highest character and deep learning consents to leave the seclusion of home and study to venture into the rough turmoil of the public service his influence must always be for the betterment of his fellow-man. Especially so when he treads his way fearlessly and without hesitation, standing with sturdiness for what he feels to be the right and for the ultimate uplifting of his generation. Such a man was DANIEL L. D. GRANGER.

But, Mr. Speaker, the blow has fallen most heavily upon the many of us who were his personal friends. The charm of his manner and his personality were a source of daily pleasure to us all. He has left his mark graven deep upon our affections. Personally, I shall always treasure my friendship with him as one of the most precious recollections of my life in Congress.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHARLES G. WASHBURN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

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Mr. WASHBURN said:

Mr. SPEAKER: My personal acquaintance with Mr. GRANGER was confined to very pleasant relations with him during the last session of Congress. We had, however, many friends in common who had long known him, from whom I have learned much that is interesting. Others will speak of his work here. I shall confine myself to a side of his life perhaps little known here.

He had for many years been deeply interested in the Protestant Episcopal Church, with the practical work of which he had long been closely identified. He was superintendent of the Sunday school connected with St. John's Church, Providence, for twenty-five years, during which time he took a keen personal interest in the welfare of the boys and girls under his charge. His relation with them was more than perfunctory; he was their intimate and trusted friend. Whenever any member of the school was ill he was a constant visitor, and his ministrations were often those ordinarily performed by the clergy. He was always most solicitous for the spiritual and physical welfare of all the young people brought within the zone of his influence, and was always active in securing places for such of them as were obliged to earn their own living and in aiding them to secure an education. A friend who is intimately acquainted with this side of Mr. GRANGER'S life recently told me that he knew of three boys whom he had helped, one of whom is now a rector in the West, another a rector in the East, and another a physician in a village in Rhode Island, none of whom, it might truthfully be said, would have had an education had it not been for the personal interest which Mr. GRANGER had in them. His house was always open to those who needed his advice and assistance. I remember that in one of the last conversations I had with him he asked if I could aid him in securing a pardon for a young man in whom he was interested, then confined in the state's prison in Massachusetts. The young man upon the expiration of his term went directly from the prison to Mr. GRANGER'S house, where he was warmly received and hospitably entertained. I think I am safe in saying that the church stood first in Mr. GRANGER'S affection; and then, looking beyond his immediate family circle, the weak, the helpless, and the unfortunate whom he had been able to help in their advance to better things.

His ear was ever open to their cry; his time was always theirs; of him it may be truly said—

He has kept that committed to his trust. He has fought the good fight, and laid hold on eternal life.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHARLES G. EDWARDS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

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Mr. EDWARDS of Georgia said:

Mr. SPEAKER: I would feel that I had failed to perform a duty that I owe to the memory of my dead friend, Mr. DANIEL LARNED DAVIS GRANGER, were I not to add a respectful tribute to the many splendid eulogies that have already been offered on this memorial occasion.

My acquaintance with him began with the first session of this Congress. Both being Democrats, we were frequently thrown together upon matters of legislation, and the more I saw of Mr. GRANGER the better opinion I entertained of him. His manly qualities appealed to me and I appreciated him as a well fitted and able legislator.

By reference to the biographical sketch of his life, as found in the Congressional Directory, we will see that he was born in Providence, R. I., May 30, 1852; graduated from Brown University in 1874. He was admitted to the Rhode Island bar in 1877; practiced law in Providence; twice elected reading clerk of the house of representatives. In 1890 he was elected city treasurer of Providence, and for eleven years served in that capacity. He was twice elected mayor of that city. He was elected to the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, and was a Member of this Congress at the time of his death.

The many high positions of trust to which he was elected and in which he served his city, State, and Nation testify to the high esteem in which he was held by the people of his native city and State. At the time of his death he was a member of the Ways and Means Committee of the House of Representatives, showing that his merit was duly appreciated in Congress, and as a recognition of which he had been given this high committee place.

His death has removed one of our ablest and most popular Members of the House of Representatives, and in his death Congress and the Nation have sustained a great loss.

It fell to my sad lot to be one of the congressional funeral party. St. John's Episcopal Church, from which the funeral took place, was literally crowded beyond its capacity by his relatives and friends, who gathered to pay their last sad tribute of respect. The ceremonies were simple, beautiful, and impressive. The remains were taken from the church to Swan Point Cemetery, followed by a throng of sad hearts, where our departed friend was laid to rest under the sod of his native State. Nature, too, seemed to weep. The day was cold, and the rain drops that had fallen early in the morning were frozen as they hung to the limbs of the trees and bushes and to the blades of grass; and as the sun came out at midday, when the interment was being made, the frozen raindrops hanging from thousands of places glistened in the sunshine and scintillated the beauty of myriad gems that seemed to me melting into tears over the death of this distinguished and lovable man. There, in that surpassingly beautiful cemetery, under a perfect mound of floral offerings, tenderly placed on his grave by sorrowing relatives and friends, we left him to see him no more on this earth.

The thousands, from every walk of life, who turned out to attend his funeral attested the love that the people of the city of Providence and the State of Rhode Island had for this faithful servant, who had served them so long and in so many high places of trust and honor.

Death is always sad. In this case it left its full measure of sadness and sorrow, but also a very consoling hope, for he was a Christian. I talked with many who had known him intimately for years, and while he had held many high offices, and at his death was a member of the highest and greatest legislative body in the world, in speaking of him they stressed not the fact that he had held high offices, but that he was a Christian and a good man.

What greater tribute could man desire? Coming from the hearts and lips of those with whom he had been reared, with whom he had walked and lived, coming from those who knew him best, it was the greatest tribute that human tongue could pay to his memory, and gives a sweet hope of a meeting again in that beautiful and great beyond, if we can have the same said of us when we die.

The loss of such a man is of great consequence to this nation. We need Christian statesmen to-day more than ever in the history of our country. We need men who fear God and walk with Him, as our departed friend did. In this day of greed for gold, when men are in a mad rush for wealth, position, and power, I fear God is too often forgotten. I fear, too, that it is often the case that men who do not fear God are elevated to positions of honor and trust, to rule over and direct the policies and laws of our country. Such is a sad misfortune. This is a God-fearing country and a God-favored country. His blessings to us as a nation are countless, and in recognition of his numberless blessings we owe it to Him to see to it that His holy name is not profaned by the elevation to these positions of power and honor characters that are not builded upon a faith and belief in God.

History will record that the crowning glory of the life of the great President William McKinley was the fact that he was a Christian statesman. The same can be said of our departed friend for whom these memorial eulogies are offered. The crowning glory of his simple life, and the one to be prized most highly by his kindred and his friends, is that DANIEL LARNED DAVIS GRANGER was a Christian statesman.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHAMP CLARK,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CLARK of Missouri said:

Mr. SPEAKER: Another Member of this House has gone to join the vast majority. When we consider the fact that most men are in good health and not past the prime of life when elected as Members of the House, the mortality is astonishingly large. When the membership was only 357, in one term since I have been here 17 died. Hard work and close confinement are largely responsible for this condition of affairs. Let us hope that the step which we took on Saturday looking toward a remodeling of the Hall of the House so as to let in the sunshine and air may tend to lengthen the lives of the Members.

The latest of our Congressional brethren to depart was DANIEL LARNED DAVIS GRANGER, a Representative from Rhode Island. In three Congresses he ably and faithfully represented the capital district of that ancient Commonwealth. Having graduated from Brown University—one of our finest institutions of learning—and having been in due time admitted to the bar, he practiced successfully his profession in his native city of Providence until circumstances led him to enter public life, where he had a long and honorable career. Twice he was elected reading clerk of the state house of representatives; elected city treasurer, which position he held eleven years; twice he was elected mayor of Providence, and twice to this House. His public record is above criticism. In every position to which the voice of his fellow-citizens called him he discharged his duties so well that at the first opportunity they promoted him. In every contest in which he engaged the poll proved that he was stronger than his party.

We all know that he was an honest, modest, straightforward, industrious, dependable man. Soon after he came to Congress he was placed upon the great Committee on Ways and Means—an unusual honor for a Member of so short service. Having served with him on that committee, I cheerfully bear testimony to the value of his services thereon. During two years of our joint service the fact that I was the ranking Democrat forced me to a closer communion and more intimate acquaintance with my party fellows on that committee than would otherwise have been the case. Thus I came to know our Brother GRANGER thoroughly, and I know that his every impulse was honorable and patriotic. He had very decided views—old-fashioned views—as to public policies, which he advocated with courage and to which he adhered with consistency. Though mild in manner, he was firm as a rock.

His fidelity to duty was signally illustrated in his last months. As soon as Hon. SERENO E. PAYNE, chairman of the Committee on Ways and Means, issued his call for a meeting of that committee in this city on November 10 to conduct the tariff hearings, Mr. GRANGER wrote me that he was sick, but that if we really needed his services he would come on anyway. I at once both wrote and telegraphed him to rest at home, recuperate, and get well, while we would do our best with the tariff hearings; but, nevertheless, after a few days, he did come to Washington with the seal of death upon his face and wanted to join us in conducting the hearings. I had some difficulty in dissuading him from essaying a task for which his physical power was inadequate.

Some years ago he induced me to journey to Providence for the purpose of making a speech. I was never more generously received or more bountifully entertained. Before I left Providence I made three speeches instead of the one I had intended to make. Rhode Island hospitality is a thing never to be forgotten when once experienced. I have visited many Representatives in Congress in their home towns and have witnessed divers manifestations of regard for them, but for none of them more than for Mr. GRANGER. He appeared to know everybody, and all of his constituents, without regard to political affiliations, appeared to entertain personal affection for him.

His closing days were peaceful as a summer's eve, and he sleeps the sleep of the faithful in the beloved city of his birth among those who loved him well and for whom he wrought with fidelity and success.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. HERBERT PARSONS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

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"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. PARSONS said:

Mr. SPEAKER: The evidences of respect and sorrow that were manifest at the time of the death of DANIEL LARNED DAVIS GRANGER betokened the high and enviable position that he had in his community. He was an excellent type of American. He came from old New England stock. He was well trained in things fundamental in life and was well educated so far as schooling was concerned. Of the advantages that came to him by heredity and environment he made good use. His services in both public and private life were very considerable and proved him a worthy man and a fitting representative of his people. No doubt the inspiration that prompted him to service was that expressed in the poet's lines:

> Do noble things, not dream them, all day long;
> And so make life, death, and that vast forever
> One grand sweet song.

Man's allotted portion in life varies. To some it is given to do one kind of service; to another a different kind. Some are called upon for an active life; others "also serve who only stand and wait." To Representative GRANGER it was allotted to be active in service, and those who knew him know that in the performance of that high obligation he was faithful unto death.

His position in this House was a notable one. He had received high consideration as one of the representatives of his party on a great committee. Illness prevented him, to his bitter sorrow, from doing his share of the labor on that committee, but, though in that respect he was deprived of doing the thing that he would have regarded as counting, the will to do was there, and that was the real measure of the man.

His useful and faithful life is over. He rests from his labors. His record here is an honor to himself and to his people.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JAMES L. SLAYDEN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

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"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: With the name of England's great naval hero, Nelson, is forever associated the word "duty." With equal permanence it is allied to that of Robert Edward Lee, who said it was the sublimest word in our language. Now, by reason of the inherent elements of his nature and the remarkable appreciation of those qualities that were so eloquently voiced by Charles Francis Adams, of Massachusetts, in his wonderful centennial address, we can never think of Lee except as typical of character. That great son of Massachusetts admired the genius of the Virginian, but he admired his character more. While Lee was serving his country in a subordinate place on the frontier, or with unmatched skill conducting military campaigns against an enemy of superior force, he was building character, and perhaps Mr. Adams is right when he suggests that character in a man or a people is more to be esteemed than skill in war or statecraft. It was this quality in the early Americans that made the rock-bound coast of New England the seat of a high civilization; that gave us the glory of Lexington, Bunker Hill, Kings Mountain, and Yorktown, and planted on the continent of North America 46 great, independent, sovereign States, dedicated to the preservation of the liberties of the people.

Typical of the people who did those things was DANIEL LARNED DAVIS GRANGER. He was of their blood and bone.

I was first drawn to him by an appreciation of the fact that he was a twentieth-century edition of the men of the Revolutionary period. At that time I did not even know that he was sprung from the loins of men who had done service for the country on the field of battle as early as 1758, nor that his grandfather, Abner Granger, had served with Washington throughout the American Revolution. I can only say that after I knew him I accepted such ancestry as a matter of course. He had the same qualities; he only needed the same opportunities to manifest them.

Being fellow-partisans, and to some extent of like tastes, I was thrown into his company in an intimate way. I came to love him as a man as much as I had admired him as a faithful Representative of his people.

In his political views, as in his personal traits, he was a wonderful reflection of his heroic forbears. His grandfather, Erastus Granger, learned political wisdom at the feet of Thomas Jefferson. The grandson was grounded in the fundamentals of democracy, and until the day of his death never wavered in the faith.

Every sketch of his life that I have seen has referred to his active work for the public good as an officer of his city, his

State, or the Nation, or as a private citizen. In all these places he measured fully up to the expectations of his friends. Those who knew him best appreciated him most. He was as conspicuous in church work as in politics, and for more than twenty-five years was superintendent of the Sunday school at St. John's Episcopal Church, of Providence. Jealous for the truths of history, he was a working member of the Rhode Island Historical Society. Preferring reason to force, humanity to brutality, he earnestly supported the cause of international arbitration.

As learned as he was modest, he commanded the respect and received honors from the scholarly classes with whom he was associated. He received the honorary degree of master of arts from his alma mater in 1902. President Faunce presented the degree in the following terms:

A. M.—DANIEL LARNED DAVIS GRANGER, of 1874, for some time treasurer of the city of Providence, now its chief magistrator, in both offices showing sturdy honesty, unflinching courage, teaching us to love city more than party and righteousness more than all.

That beautiful tribute from his neighbor and friend, the distinguished head of a great university, leaves little to be said.

But because it shows the estimate of him that was held by men nearer the field of political contests and less influenced by the charitable perspective of the closet scholar, I shall quote from an editorial in the Bulletin, a newspaper published in Providence:

Congressman GRANGER, who died in Washington yesterday, was one of the most valuable citizens of Providence. The welfare of the public appealed to him as an end that he should seek, and he sought it as many men seek their own private interests. It seemed to be continually in his thoughts, and he worked for it earnestly and fearlessly, without counting the cost to himself, and apparently without caring how strong the opposition might be. The public came to understand the singleness of his purpose. They trusted him. This is the secret of that remarkable power to win votes that made Mr. GRANGER one of the most influential Democrats that have ever held office in Rhode Island.

He was at the same time a practical politician and an idealist, a reformer and a partisan.

As long as the people choose such men for their servants representative government is safe. He took his mission seriously. He sought no mere honors. He only wanted an opportunity to serve. I shall always think of him as one whose central idea was—

Not only to keep down the base in man,
But teach high thought and amiable words
And courtesy and love of truth,
And all that makes a man.

On his monument, in addition to the high praise of—

Well done, good and faithful servant,

May well be carved the words—

Here lies a man.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOHN S. WILLIAMS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WILLIAMS said:

Mr. SPEAKER: I first knew Mr. GRANGER when he came on to Washington after his election to the Fifty-eighth Congress. I had heard of him before as mayor of Providence on account of his remarkable campaign, resulting in unexpected victory for him and for the Democracy and on account of the probity and excellence of his administration of that important office. The fact that he had been previously to his induction into the mayoralty for eleven years treasurer of his city had also gained him golden opinions and demonstrated his reliability and capacity.

I liked him immediately because of his strong traits as a man and the characteristics of courtesy, dignity, and poise, which marked him a gentleman at the same time.

Pope says, "An honest man is the noblest work of God." Not so—an honest man who is well bred, courteous, considerate, and tactful is the noblest work of God. Mr. GRANGER was all of these, and added to their possession an ability of a very high order. These virtues soon won him his way to men's hearts here and to the forefront in the House organization of the minority side.

He became a member of the Ways and Means Committee and did good, intelligent, and tactful services there, until his health became such that it was physically impossible.

He regretted his later inability to be much at his post with deep anguish and often expressed it.

His interest was not confined to national legislation. Social, sociological, and international questions claimed a large share of his earnest and intelligent consideration, especially the great question of peace among the great nations of the world. He was one of the most earnest students of that great problem, and while he did not push himself to the front, self-assertingly, as some do, he was to the highest degree useful in bearing his share of the work as a member of the American group of the Interparliamentary Union for the maintenance of the world's peace, and as a delegate more than once to represent that group in peace congresses. He was sympathetic in heart as well as in mind, with all movements looking to the uplift of humanity and the betterment physically and morally of the poor and the ignorant and the vicious, who are the morally poor.

For years a vestryman of that historic church of which Hooker and Taylor and Ridley and Farrar and Stanley were priests or bishops in England and George Washington and Robert E. Lee and Jefferson Davis were laymen in America, he taught its Sunday schools and added practical religion and its sweet lessons of goodness to his achievements as a man, a statesman, a student, and a gentleman.

He was a clean man—clean in person, heart, and thought. He was affectionate to his immediate family and kindly to all the world.

As a lawyer I never knew him, and leave others to speak of him in that capacity. His religion was neither cant nor emotionalism.

He so lived that when his summons came to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
He went not like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust.

Man is the only animal, Mr. Speaker, that honors his dead by ceremonious observance. The more civilized men are, the more reasonable and optimistic and hopeful they are, the less fearsome and superstitious are these observances.

The reason is that as men progress in the understanding of nature and of themselves they come more and more to think of time and eternity as being a continuity of duration in which immortal souls dwell in what ought to be kindly fellowship, under the wise eye and friendly guardianship of a God who is not only powerful, but good, and who, in the words of Jefferson, "desires not only the happiness of man here and hereafter, but that he shall be free also." One whose "kingdom" is on earth as well as in heaven, and whose "will is done" throughout all duration as well as throughout all space.

But for death and the sight and consideration of it, what the poet wrote would be always true:

The world is too much with us: late and soon,
Getting and spending, we lay waste our power;
Little we see in nature that is ours;
We have given our hearts away,—a sordid boon!
This sea that bares her bosom to the moon,
The winds that will be howling at all hours,
And are up-gather'd now like sleeping flowers,—
For this, for every thing, we are out of tune:
It moves us not.

Religion and philosophy may each be defined to be a study or "contemplation of death" and of what flows as conclusions from that contemplation—the belief in a sentient, supreme rule by beneficent law; a knowledge concerning immortality, sin, and its problems; a faith in righteousness and charity and in their ultimate supremacy.

It is death and pain and sin that at times, crushing out the purely material and secondary things, bring us to the realization of the higher and ideal and primary things—the true, the beautiful, and the good. Then it is that it can no longer be said of the higher and sentimental life that "it moves us not." Then are we, with "broken and contrite hearts," at the beginning of both wisdom and righteousness, and the mad rivalry for money and place being temporarily extinguished we can each exclaim, with fervent thanks to God, in the full presence and realization of the "eternal verities," "I am captain of my soul."

Being with the verities, the verisimilitudes no longer deceive, nor mislead, nor overmaster.

Thomas Carlyle well said:

Kindle the inner life, and you have a flame that burns up all lower considerations.

How shriveled in the presence of death and pain, which "kindle the inner life," are they all—these "lower considerations," the appetites of the flesh and the world, the allurement of place, the striving for wealth; in short, all secondary things.

Through the portals opened to our vision by death, how God and eternity and our own immortality and our real selves loom up until they exclude from the sight all other things. How the new view and the new life tear the tawdry disguise from mere material pursuit and petty self, and how pitiable they seem in their loathsome nakedness.

It is death only that can make us realize what real life is.

An orator in a public address recently said:

In the presence of the helpless dignity of the dead shall we not gather some knowledge of the dignity of life, some courage to meet the problems of the day, some hope for the future?

Yes; we can learn to meet them worthily with self-realization.

Death is ever, or ever may be, in our survey of life, a point of new departure.

This is eminently true when a good man's death brings its lesson with its shock.

Of the subject of this sketch it may be said, without cant or affectation, that he was a good man—one of the few.

Ship Subsidy.

SPEECH

OF

HON. LINCOLN DIXON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. DIXON said:

Mr. SPEAKER: This bill, ostensibly for the purpose of promoting the ocean mail service, is in fact the granting of subsidies to certain shipowners engaged in carrying our mail.

A subsidy is defined by Webster's Dictionary as "A grant from the Government to a private person or corporation to assist in the establishment or support of an enterprise deemed advantageous to the public." This bill grants to American mail steamships of 16 knots or over, and of not less than 5,000 gross tons, $4 per statute mile for services performed now for $2 per statute mile, a grant of 100 per cent. This grant is to be made to a private person or corporation to be designated by the Postmaster-General, and the purpose of the same is alleged to be for the promotion of our ocean mail service. These provisions clearly place this bill within the definition of subsidy.

The carrying of our mails in our own ships and the providing of auxiliaries for our navy in case of war is proposed and advocated on the ground of patriotism, but behind this mask is the true motive—greed and monopoly. It is not commerce, but money, that is wanted. This bill requires the Government to take the money of the whole people and donate it to a favored few in order to make profitable the shipping business, to furnish a bounty to induce men to engage in an unprofitable occupation.

This bill does not seek to remedy the causes of the decline of our merchant marine. It simply recognizes the pitiable condition of our shipping industry and confesses the inability of Republican statesmanship to rehabilitate the same except by a clear gift of profit to those who can be induced to engage in the business. It is palliative and not remedial. In no way does it meet the great problem to be dealt with.

This bill can only benefit our merchant marine, if at all, to the extent of the ships directly subsidized. Can you expect the people, already overburdened by taxation, and the Treasury bankrupt by extravagant appropriations, to approve the payment of subsidies that promise to be indefinite, and when it is not even claimed that anything short of indefinite payment will be of benefit to our merchant marine as a whole? This policy must be continued and enlarged, and the ultimate expense no man can tell or imagine. This subsidy will be but a tempting bait to lure on the greedy interests that always follow in the wake of grants of money from the Public Treasury.

Our former experience in ocean mail subsidies did not result in benefit to our shipping business or to our country and was abandoned. No nation ever succeeded in building up a permanent marine by subsidizing. The two nations possessing by far the largest foreign trade have never granted general subsidies, and are unhampered by certain unnatural and artificial conditions created by party legislation, which now exist in this country. It is a curious and significant fact that the decline of our merchant marine has been almost exactly contemporaneous and coincident with the administration of the Republican party.

Under the leadership of Madison and Jefferson our shipping became our most prosperous industry. Under the Democratic policy our foreign commerce carried in American vessels increased to over 90 per cent. From the foundation of our Government until 1860 an average of over 75 per cent of our entire foreign commerce was carried in American vessels. In 1860 over 70 per cent was thus carried, and to-day only about 10 per cent February 24, 1909:

This decline is not due to the decrease of commerce, as our foreign trade is many times larger to-day than at that time. Between 1850 and 1860 was the greatest growth of American shipping. During that time the American shipping in foreign trade was able to compete both profitably and successfully with foreign shipping. Then our ships were better and more cheaply built than the foreign vessels. Their speed was greater and their management so skilled that insurance upon their cargoes was less than upon foreign vessels. The American flag was seen in those days in every port and upon every part of the ocean.

One cause of this decline has been the tariff upon materials used in the building of ships. Evidence before the Merchant Marine Commission shows that an English shipbuilder could buy American-made plates delivered in England for over $8 less per ton than they could be purchased here, where manufactured. Charles H. Cramp stated that in the construction of a large vessel this item alone made a handicap to the American builder of over $150,000. It will not do to say that under the Dingley tariff iron and steel materials bear no duty if they are to be used in the manufacture of ships for foreign trade, and that consequently these materials may be imported by American shipbuilders from abroad, where they are sold more cheaply, and the return freight paid and thus cost less than the same plates manufactured and sold here. Even this avenue is cut off, for the reason that under our laws a vessel made from materials imported from abroad can never engage in the coastwise trade. So important an element is the possibility of a vessel being used in the coastwise trade, in the commercial value of the vessel, that builders will not construct ships for foreign trade which are forever restricted from engaging in this profitable service, and this prohibition effectually prevents foreign materials being used in our vessels and operates to make the tariff exclusion absolutely complete.

Not only ship materials, but ships themselves should be free. No good reason can be given for refusing to allow Americans to buy their ships in the cheapest market for use in foreign trade. The shipping industry is not employed to any considerable extent in building American ships for foreign trade, and no benefit is thus taken from the shipbuilder if our people should buy their ships abroad. It is impossible for our shipbuilders to lose a trade which they do not have.

I contend that our registry law, which does not permit a foreign-made vessel, even if owned, manned, and officered by American officers, to fly the American flag, and thus engage in our foreign trade, should be repealed. Years ago the British navigation laws were restricted, as ours are to-day, but these laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time her flag was seen upon every sea and her commerce upon every ocean. Germany later followed her example, and to-day her merchant marine is second only to the English. This policy should be followed by our Government.

The party that initiates the policy of granting aid from the Public Treasury in the form recommended by this bill assumes a fearful responsibility. With the deficit in our Treasury growing by leaps and bounds by the extravagance of a Republican majority, with the inland waterways of our country calling for legitimate appropriations for needed improvements, is it wise to enter upon a policy which must ultimately involve the expenditures of millions upon millions? The inland waterways are peculiarly the field of American enterprise. No foreign competition will enter this field, and if you provide the proper navigation facilities for the Ohio and Mississippi rivers, you will not have to pay bounties to our steamboat companies to engage in transportation. The Republican party pretends to believe in a home market, but neglects the question of home transportation. If money is to be appropriated out of the Treasury, it should be devoted to the development of our internal transpor-

tation facilities rather than to our foreign merchant marine, which, if freed from the artificial trammels of a high tariff and barbarous registry laws, and left to the operation of natural laws, will fully take care of itself.

I append an editorial from the Indianapolis News of date February 24, 1909:

THE SIMPLE STORY OF SHIP SUBSIDY.

The ship subsidy bill, which has passed the Senate—its natural home and hotbed—is before the House, and, it is said, with prospects of passage. It will subsidize ships to Brazilian and oriental ports. This, however, is a detail. The purpose of a ship subsidy is to furnish a bounty to induce men to engage in an unprofitable business. American capitalists can make far more money doing other things than running steamship lines; so the Government says: "If you will engage in this unprofitable business we will furnish subsidy enough to make it pay you handsomely. We shall tax the people millions of dollars a year and make you a present of clear profits for engaging in this business." But why should the Government do this? Because American capitalists can not make money on a business basis in the steamship business and the Government wants what is called a merchant marine, which, in case of war, would aid our navy. But why can not American capitalists make money in the steamship business? Capitalists of other countries do; and certainly our reputation in the world of money-making is not that of being slow or stupid when going after a dollar is the object.

Here is the reason: We have a system of protection in this country which must be maintained as a principle at all hazards. Therefore everything that enters into shipbuilding is taxed by the tariff, which increases its price. Besides, in order to be entirely protective, we have a law forbidding an American to buy a ship and sail it under our flag; he must have it built in this country. With the price of materials enhanced by the tariff and wages high as they are, we can not build a ship so as to make the running of it pay, compared with ships of other countries; hence we do not build ships and have no merchant marine, making more money by hiring foreign ships to carry our goods. But if we so greatly desire a merchant marine, why do we not allow our citizens to buy ships and sail them as the people of all other countries do? Protection. It would be a breach of the "principle" that we shall not buy anything abroad—after the manner of China. This plain, unvarnished tale is fittingly illustrated by the Portland Oregonian in the following recital of facts:

"Among the 27 colliers and supply vessels (that attended the battleship fleet) is the British steamer *Agapanthus*, a 7,000-ton carrier in A1 condition. The world-wide depression in freights left the *Agapanthus* without any employment after she arrived on the Pacific coast with supplies for the fleet, and she has since been laid up at Victoria. Last week she was sold for the insignificant sum of $45,000—less than one-tenth the price paid for the steamer *Tremont*, a slightly larger and newer vessel flying the American flag.

"If this country should get into a strained position where it was necessary for it to have a fleet of vessels flying the American flag, a single call for offerings of tonnage would bring colliers of all sizes and descriptions—not 27, but 27 times 27, and then some.

"Why in the name of the Star-Spangled Banner should the British, the Germans, the Japanese, the Norwegians, and all other maritime people be privileged to buy such steamers as the *Agapanthus* for $45,000, while we are forced to pay $500,000 for one merely because she already flies the American flag? If the Government had purchased or permitted American citizens to purchase these 27 colliers, they would to-day be spending thousands in our shipyards for repairs, supplies, etc."

This is the state of affairs which makes the advocates of ship subsidy try to take millions of dollars from the taxpayers of this country to build $500,000 ships when as good ones could be bought so much cheaper. Is that businesslike? Is it fair? And when we consider that this is the only country in the world which thus forbids its citizens from buying ships where they will, is it not more than unbusinesslike and unfair?

Eulogy on Hon. Charles T. Dunwell.

REMARKS

OF

HON. JOSEPH A. GOULDEN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 24, 1909,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. CHARLES T. DUNWELL, late a Member of the House of Representatives from the State of New York.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, in recognition of his eminent abilities, and as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. GOULDEN said:

Mr. SPEAKER: It was my privilege to have known the late CHARLES TAPPAN DUNWELL, of the third district, Brooklyn, N. Y., for twenty years.

Our relations were always of a pleasant character. We came to Congress at the same time, and were interested in legislation affecting the city of New York.

He was an untiring worker, always willing to help a friend.

In business, as in all his relations of life, he was courteous, kind, and considerate. He not only made friends readily, but what is better, retained them through life. To know him was to love, cherish, and respect him.

I recall a long, arduous fight on a bill in which a constituent of his was a beneficiary, that I had introduced. We succeeded in getting it through the House in the Fifty-eighth Congress, and after months of labor finally secured its passage in the Fifty-ninth Congress. It was his energy and tact that won the victory, and his modesty that led him to disclaim all credit for the result. This is but one instance of many others that fell to my notice.

He was especially happy in his family relations. A devoted wife and loving children made his home an earthly paradise. He often spoke of them in the kindest and most endearing terms.

When the malady that finally carried him off afflicted him, his one great sorrow, causing him the severest pain and anguish, was the thought of leaving his loved ones.

He has left us, but his kind, generous, lovable deeds remain to comfort and console his bereaved family and his many friends.

Of him it may well be said:

The weary sun hath made a golden set,
And, by the bright track of his fiery car,
Gives signal of a goodly day to-morrow.

Penal Code.

SPEECH

OF

HON. WILLIAM B. CRAIG,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 16, 1908.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States—

Mr. CRAIG said:

Mr. CHAIRMAN: We have heard a good deal about the New York end of this proposition, but I think it is time that we looked at the other end of it, to see what the effect is upon the producer. The question I asked about this amendment yesterday will, I think, probably bring out just what I propose to stand for. I asked whether or not a contract made by a spinner with the New York exchange to procure and deliver cotton in the future would be prohibited from being carried through the mail provided that contract was not contemplated to be carried out by both parties, and the author of the bill said he thought it would be prohibited. If that is so, I am for the amendment, because I know of instance after instance, down South, where a bill of goods is ordered from a spinner. The spinner does not go into the open market and buy that cotton, but he goes into the cotton exchange, or he wires to his broker in New York or New Orleans, and buys futures against that order. That takes that man out of the local market. It keeps the farmer from selling the cotton that he has on hand at that time, and postpones the sale of the actual cotton possibly for six months.

In other words, it takes purchasers out of the home market who ought to be in the market at the time the cotton is brought in by allowing them to purchase fictitious cotton in New York, while the owner of the actual cotton gets no chance to put his product on the market at a fair price. By its present operation, it does away with the law of supply and demand to a very great extent, and it puts the farmer at the mercy of the cotton exchange, in that it postpones any sales that he might be able to make. I think this amendment ought to be incorporated in this bill. I do not think we ought to hesitate because of the argument that this penal-code bill ought not to be amended. Why, the very purpose of bringing the bill into the House is to perfect it, to amend it if it needs perfecting and amendment. I think we should come up and do our duty in regard to this amendment, just the same as we have done our duty in regard to other amendments pertaining to other things. For if there is any one thing in which the producers are interested, it is this matter of stock and produce gambling; more in the produce gambling than in the stock gambling by far, because, as has been well said by my colleague [Mr. HEFLIN], you can not go on the stock exchange, as I understand it, and sell the stock of a corporation unless you have the stock there to sell, and if a broker wishes to sell the stock of a corporation he must borrow the shares if he happens not to have them; but they do go upon the cotton exchange and in the wheat pit and sell millions of bales of cotton and millions of bushels of wheat which they never saw and never expect to see and never expect to have to

deliver. They sell to people who would not know a bale of cotton if they saw it, and who would never think of buying if they had the slightest idea or intimation that they were actually purchasing a real commodity. One hundred million bales of phantom cotton have been sold in one year upon the New York exchange alone, nearly ten times the amount of the entire product of the world. It is a crying shame and an outrage upon the good name of our people that our laws are such as to allow these fictitious sales and force the producers of the country to compete, in the sale of their product, with a commodity which has its origin in the brain of speculating and gambling brokers, which has no existence in fact, and the volume of which is limited only by the desires and greed of the gambling public. [Applause.]

The price of cotton is fixed by the amount bid in exchanges for this make-believe commodity called "futures," and the man who has toiled by day and by night for a whole season to produce the staple which clothes the world and makes the balance of trade for the Nation, must sell his honest product for the price paid for the "futures" and fixed by the gamblers or he must leave it in the field to rot.

If this bill will go even a little way toward stopping such practices, it ought to pass. It is true that possibly not more than 1 per cent of this business is done through the mails. We all know that most of it is done over leased wire; but it will show the sentiment of this House as to whether or not we are for or against these illegal contracts. I say it is very important that, this measure being before us as it is, every man should come up and do his duty and say whether he is for the delivery in the future of the things that neither party possesses and neither party intends at the time the contract was made will ever be delivered. It is the rarest thing, Mr. Chairman, that the spinner ever takes from the Cotton Exchange in New York the cotton he buys. He takes there his profit or pockets his loss, and when the contract is out then he goes to the market and buys the product. The healthy competition which is the life of trade is thereby destroyed and the honest avocation of farming is made dependent, for the price of its product, upon exchanges which could not live thirty days if the support of the gambling public were withdrawn from them. Surely such contracts as contemplated by this amendment should not be allowed to be carried through the mails. We prohibit the carrying of lottery tickets; let us now prohibit the carrying of gambling contracts. [Applause.]

Eulogy on Hon. Daniel L. D Granger.

REMARKS

OF

HON. JOHN C. CHANEY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CHANEY said:

Mr. SPEAKER: In this House we come to know each other best when we come in contact in committee work. With those who meet merely on the House floor we are not so intimate. I did not serve with Mr. GRANGER on any committee, and, therefore, in the House we knew each other at a distance. He faced me from the Democratic side, and being of a quiet nature, not given to bombast or display, attracted such attention only as required by his duties here.

It is not, however, by the man whose voice sounds oftenest in the House that legislation is framed and passed, but rather by the steady hand which works out the details, searches for the facts, and builds from the ground.

The architect of a building is rarely ever the orator who paints the picture in eloquence. He is always on hand, but his works speak for him.

On the trip to Panama to see the greatest of the enterprises of men, I became really acquainted with Mr. GRANGER. I found him to be a genial gentleman, entertaining in conversation, worthy in judgment.

From his biography it appears that he was possessed of a good education, having graduated from Brown University in 1874, and admitted to the bar in 1877. He was qualified, therefore, for the active duties of a statesman.

He was not limited by the routine of the college and the bar, however. He was reading clerk of the house of representatives of his State, and thereby made acquainted with the forms of law. He was acquainted with business also, having been treasurer of his home city for eleven years. He came to Congress, therefore, with fitness for his duties here. Although a Democrat and bound by party ties, he yet maintained an independence which made his influence felt in this House. He was not of the school of pessimism and class discontent. He was broad minded and patriotic.

He is missed in the councils of the Nation, and friends will long remember him for his many good qualities of head and heart.

I am glad to testify to the esteem in which he was held by his friends on this side of the Chamber, and to extend to his family that consolation which crowns a well-spent life.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. WILLIAM M. HOWARD,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. HOWARD said:

Mr. SPEAKER: DANIEL LARNED DAVIS GRANGER was born in the city of Providence, R. I., May 30, 1852, and was a son of Rev. Dr. James Nathaniel and Anna Brown (Davis) Granger.

His father was the pastor of the First Baptist Church in Providence, founded by Roger Williams, 1638–39.

He was a lineal descendant of Launcelot Granger, who settled in Ipswich, Mass., in 1648, coming from England.

Capt. Abner Granger, in the fourth generation, served in the Revolution and was with Washington at Valley Forge. He also served in the French and Indian wars. Erastus Granger, in the fifth generation, and grandfather of Mr. GRANGER, a resident of Connecticut, together with his cousin, Gideon Granger, were early adherents of Jeffersonian views of public and domestic affairs. Connecticut was a strong Federalist State, and these two young men stumped the State for Jefferson in 1800.

Gideon became Postmaster-General, while Erastus was sent to Buffalo, N. Y., then a hamlet and the frontier, as Indian agent for the Six Nations. He was the last full agent, as Sir William Johnson was the first.

Erastus Granger's most valuable service was his influence to keep the Six Nations neutral during the war of 1812.

News of the declaration of war reached Buffalo June 27, 1812. On July 6–8 he held counsel with representatives of the nations and entered into a treaty of neutrality. Circumstances forced the Indians to take up arms. He was commissioned a lieutenant-colonel, New York Volunteers, and commanded these Indians in several engagements.

Janus N. Granger, jr., brother of DANIEL, was a lieutenant, Second Rhode Island Volunteers, and served in the civil war.

On his mother's side he was descended from Roger Williams in the ninth generation. His great-grandfather, Daniel Larned, was a captain in the Revolution. His grandfather, Simon Davis, jr., was for many years postmaster of Thompson, Conn., and pension agent for Revolutionary soldiers and those of the war of 1812.

Mr. GRANGER prepared for college in the Providence schools, and was graduated from Brown University in the class of 1874 with the degree of A. B. He received the degree of master of arts from his alma mater in 1902.

President Faunce presented the degree in the following terms:

A. M., DANIEL LARNED DAVIS GRANGER, of 1874, for some time treasurer of the city of Providence, now its chief magistrate. In both offices showing sturdy honesty, unflinching courage, teaching us to love the city more than party, and righteousness more than all.

Mr. GRANGER studied law in the office of Brown & Van Slyck, of Providence, and spent two years at the Boston University Law School, graduating in 1877.

He was admitted to the Rhode Island bar in the same year, and later to the United States courts. He was twice clerk of the Rhode Island house of representatives. In 1889 he was elected city treasurer of Providence and held that office for eleven years. He was mayor of Providence, 1901 and 1902, two terms. He was a Member of the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, and during the last two terms was a member of the Ways and Means Committee.

Mr. GRANGER'S nonpolitical activities were wide. He was a member of the University Club, of Providence; the Manhattan Club, of New York; the Cosmos Club, of Washington; and of the Psi Upsilon Fraternity of Brown University.

He was a member of the Rhode Island Historical Society; a trustee of the Providence Public Library; for years a member of the managing board of the Young Men's Christian Association; former president of the Churchmen's Club of Providence; a member of the standing committee of the Episcopal diocese of Rhode Island; a delegate to the Episcopal triennial convention held in Richmond, Va., in 1907; a member of the vestry of St. John's Episcopal Church, Providence; twenty-five years the superintendent of the Sunday school; vice-president of the American group of the Interparliamentary Union for the Promotion of International Arbitration; and American vice-president of the union.

Mr. GRANGER died in Washington, D. C., at the Hotel Richmond, Sunday, February 14, 1908.

The funeral service was held at St. John's Episcopal Church, Providence, February 17; the burial in the family lot, Swan Point Cemetery, Providence.

Mr. GRANGER was unmarried. He is survived by Miss Grace Granger, a sister, with whom he lived, and a brother, Dr. William D. Granger, of Bronxville, N. Y.

Eulogy on the Late Hon. William B. Allison.

REMARKS

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 21, 1909.

The House having under consideration the following resolutions:

"*Resolved*, That the House has heard with profound sorrow of the death of Hon. WILLIAM B. ALLISON, late a Member of the United States Senate from the State of Iowa, which occurred at his home in the city of Dubuque, August 4, 1908.

"*Resolved*, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

"*Resolved*, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased"—

Mr. CANNON said:

Mr. SPEAKER: In the hurry and press of business incident to the closing hours of the short session of Congress I have had no opportunity to prepare, as I should like to have done, a fitting eulogy on the life, work, and character of Senator ALLISON; and yet I can not allow the occasion to pass without paying some tribute, however feeble and inadequate it may be, to his memory.

I became a Member of the House of Representatives about the time when Senator ALLISON was transferred from service in the House to the Senate of the United States. Before I had the honor of serving in the House I knew him by reputation, as the people generally in the Republic knew him. It was eight years after the commencement of my service in the House before I came in contact with him in the consideration of the details of legislation. That contact came in the conference room, in the process of settling disagreements between the House and the Senate in connection with the enactment of the great appropriation bills, as well as legislation of a general character. Thus for twenty-eight years, I may say, during every session of Congress I met him and grew to be very well acquainted with him.

During a period of service somewhat more extended than the usual length of service of a Member of the House of Representatives, I have found no man better equipped as a legislator than Senator ALLISON, and few so well equipped. He brought to the discharge of the duties of his high office the best kind of sense—great common sense.

We hear a great deal about common sense. Sometimes out in Missouri and Illinois we use the term "horse sense" when we mean common sense. Then we talk about men of extraordinary ability—geniuses. The man of uncommon sense is very uncommon, and we all know that men of uncommon sense sometimes have not much of common sense. The common sense with which Senator ALLISON was endowed might well be called "uncommon common sense," an attribute which, in my judgment, is better than genius.

A man of good, sound judgment, and possessing a well-balanced mind, I think Senator ALLISON rendered to the Republic more valuable service than perhaps any other man who served in either House or Senate during his long career.

Most people are born and live and die without making themselves amenable to the penal code. A great many men are called honest because they do not go outside the letter of the law, because they are not grafters, because they do not use their positions in public or private life for getting something without rendering an equivalent. But there is a higher grade of honesty than mere material honesty, and that is intellectual honesty, and when you say that a man is intellectually honest, in my judgment, you give him the highest possible praise. Senator ALLISON not only had integrity in the ordinary sense of the word, but he was intellectually honest.

Men in public life who do valuable work in many instances do not receive credit for it. I have known many cases where men as members of commissions and committees have spent days, weeks, and months working with great industry and with rare ripe judgment for the public weal, contributing from their knowledge and experience toward correct legislation, without 1 in 10,000 of the people of the great Republic knowing or appreciating their labors.

Perchance some man with far less equipment for the public service, without knowledge as to what he is talking about, may by accident or design coin a catchy phrase; it goes into the RECORD, gets a headline in the daily press, and lo and behold, for the day that man attracts attention; whereas the men who are, in fact, responsible for legislation and the shaping of policies destined to affect every hearthstone in the country frequently are never heard of.

Senator ALLISON, of course, was heard of and was well known; but I have no hesitation in saying that the full value of the service he contributed to the Republic, compared with that which brought him into public notice, is not known by 1 per cent of the people.

After all, I do not complain that such is often the case. He, if living, would not complain of it. You recollect that the Master, when calling for disciples said unto a certain man, "Follow me," who replied, "Lord, suffer me first to go and bury my father." But Jesus said unto him, "Follow me, and let the dead bury their dead." So it has been through the history of the race.

Now and then a man, perhaps a great warrior, sometimes a great statesman, attracts the attention of the historian, and may dwell in history according to his real or supposed merit for a generation or two generations or possibly a hundred years; whereas hundreds of his colaborers may be forgotten long before one generation has passed by. I do not complain of this. History can not record the acts of every citizen who performs service for the Republic. There would be no place to store the books that would have to be written to make such a record. Therefore, in my judgment, the men who in private life or in public life, by industry and fidelity and the exercise of good judgment in the public service, have made their contributions to the welfare of the Nation and the civilization must understand that, save in the rarely exceptional cases, when they cross over, they will be forgotten. So be it. Such men have the gratification of their own approval and that of their immediate friends, and the gratification of knowing that they have labored to bring

about better conditions; and they must be content with the consciousness that they have wrought to the best of their ability, and made their contributions to the present and the future good.

To this class of men belonged Senator ALLISON. In a long association with him in the conference room and elsewhere, I have never known him to try to play to the galleries. I have known him when there had been conference after conference over contested points and disagreement after disagreement quietly to smooth away the differences and effect a compromise.

He rarely wore the lion's skin; and yet upon occasions he demonstrated that he had red corpuscles in his blood, and could fight if necessary. With the lion's skin ready to be donned, as it rarely was with him, for he was not the type of man to employ brute strength, he would use the arts of diplomacy to work out results.

Several times the State of Senator ALLISON presented his name to the national conventions of his party for President. All the efforts made by his friends to that end failed; but I doubt if their success would have contributed anything to Senator ALLISON's reputation as a statesman.

One of his friends years ago complained that ALLISON did not help himself in his ambition by a show of fight by some dramatic episode that would have appealed to the hero-worshipping instinct in humanity. He said:

If ALLISON had only knocked some man down and kicked him sometime, he would have been President.

Perhaps that is so, but I am glad such an incident was never recorded. It would not have been in harmony with ALLISON's character. He was not that kind of a man. He did not suffer his passion to get the better of his judgment. He was ever master of himself, and in that way became the leader of men of judgment and character, and it requires a great man to lead by judgment rather than by appeals to the imagination. His strength was not in passion, nor even in the semblance of passion. He was not an actor, and had no histrionic power. He was a quiet worker, a counselor, and he was ever ready to aid and put forward others for the dramatic work, while he remained in the background, giving the quiet influence that aided the actors to make the best appearance on the stage.

As President, ALLISON would have been wise, and his administration would have represented the best spirit of the times; but he could not, even in that great place, have accomplished so much for the country as he did in the Senate, where he worked quietly and effectively to shape legislation to the best interests of the whole people.

He had little of that pride of opinion which make men insistent upon their own way of doing things and fearful of what is called "inconsistency." He came into public life called a "free trader," but for many years was one of the stanch defenders of protection. He was a gold-standard man, and yet introduced the Bland-Allison silver-purchase bill. He was opposed to expansion, and yet was one of the ablest defenders of the Philippine policy of President McKinley and President Roosevelt. He saw his first duty as a patriotic servant of the people and accepted the will of the majority as the voice of command, and he was ever ready to do the most patriotic service of the time of action, regardless as to whether it fitted into his preconceived ideas on the particular phase of a great question. He was not an opportunist, seeking to ride the waves of public opinion; but when conditions were created, he was ready to do the most patriotic service required to bring about results.

Senator ALLISON did not compromise; he harmonized. He did not surrender principles. He looked at both sides of a question to find the best part of both contentions. He did not care for technicalities or names, but held to great principles with tenacity and a discriminating intelligence rare in political debate, where great questions are so often discussed in passion rather than with sober judgment. He never took the position that he alone could be right and all his associates wrong; that is the attribute of the barbarian.

ALLISON represented the highest type of civilization, the harmonizing of differences among men to make possible a government where the will of the majority is the highest law of the land.

He has crossed over, and another whom I have in mind has crossed over, and therefore there can be nothing improper in what I am about to relate: On one occasion, after he had struggled in bringing his brother Senators to assent to a certain important provision which the House was insisting on, one of his colleagues on the conference committee said:

Senator, do you believe that so-and-so will obstruct an agreement on this conference report? It is now the last night of the session, and he has the power to defeat it.

Oh, no—

Said Senator ALLISON, in his quiet way—

I have already fixed that; I have yielded to his request, and he is to have time to show the wisdom of the compromise.

The compromise was made and the legislation was had.

I have already spoken longer than I anticipated, though there is much more I could say. He gave the best that was in him to the perpetuation of sound policies for the welfare of the Nation, and devotedly and faithfully represented his State. Iowa is fortunate to-day in the Representatives she has in Congress, as the gentleman from Missouri has well said, and she will be indeed fortunate if, in the future, she can be as well represented in both House and Senate as she has been in the past and is to-day.

Sundry Civil Appropriation Bill—Enforcement of the Antitrust Laws Against the "Steel Trust."

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 26, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—

When an amendment was offered, as follows:

"Page 181, line 23, after the word 'purposes,' insert:

"'*Provided*, That not more than $50,000 of said additional $100,000 herein appropriated shall be used for prosecutions under the antitrust laws other than the prosecution of the United States Steel Company and its officers for the violation of said laws by the purchase of the stock of the Tennessee Coal and Iron Company.'"

Mr. BARTLETT of Georgia said:

Mr. CHAIRMAN: Whilst this amendment is in effect the same as the one offered by myself, its present form, presented in the shape of a mere limitation, has enabled the House to vote upon the question, and we must take the responsibility of either approving or disapproving this violation of the law.

Mr. Chairman, I did not expect this amendment to be brought up in this shape, but under the ruling of the Chair, to which I am bound to submit as correct, it is the only opportunity at which the question can be voted on.

Of all the associations and corporations known as "great monopolies" and "trusts," we know that the most oppressive and powerful existing in the United States is the steel trust, known as "the United States Steel Corporation." Therefore, when it was known that by some means they were authorized to absorb the most powerful rival they had in the business in which they were engaged in the United States, viz, the Tennessee Coal and Iron Company, the country was concerned, and it has become so much concerned that it has been given an investigation in the Senate of the United States.

Now, it is well known and understood that the excuse or pretext given for that act is that the President of the United States, by direction to the Attorney-General, or to the Bureau of Corporations, or to the Department of Commerce and Labor, exercising in this instance the supreme power of Congress, of the courts, and of the Executive, has directed that this combination should be permitted to be made.

Now, the reason given for that by the Executive was that he was appealed to by certain officials of the United States Steel Company, who said that unless something of this kind was done to permit them to absorb the Tennessee Coal and Iron Company there would be a panic in the land; that certain brokers in Wall street were so loaded up with the Tennessee Coal and Iron Company stock that it would create a panic. I have no doubt that they said this to the President of the United States. I do not doubt but that the President of the United States believed it; but the development of the facts tends strongly to show that the President of the United States himself was imposed upon and deceived by those who procured his assent; and the evidence given before the committee investigating the matter, which appears in the newspapers of the day, and which I apprehend is correct, shows that no such panic would have followed, and that no such dire results would have happened.

It has been shown to Congress and to the people that this open violation of the law has been committed, even though under a void sanction of the Executive, and it is proper that Congress should provide means and direct the Attorney-General to prosecute them.

Now, we have seen something in the last day or two of the result of this campaign. There is being played on Wall street a freeze-out game—to freeze out of business every competitor of the steel trust; and they have put prices down to such an extent that another panic in Wall street a day or two ago was almost caused by reason of the action of the steel trust, which we are now proposing to have the law enforced against. Therefore, Mr. Chairman, I felt called upon to present the amendment I did, and if it had not been objected to and ruled out on a point of order made by that side it would have meant something. In order to get before the country this proposition, we have been compelled to submit this amendment. It is all we can do under the rules of the House, and we challenge the other side to vote it down, and thus align themselves with the friends of this great monopoly.

Thus it is that the only great and powerful rival of the steel trust has been absorbed, and that, too, by the consent and approval of the President, who has written and spoken so much in recent years against combinations and trusts.

To show somewhat the extent of the properties and their great value, I call attention to the following facts quoted from the hearings:

The New York Press of November 7, 1907, said: "The Tennessee is one of the two steel companies in the United States which manufactures open-hearth rails, now so greatly in favor with the railroads. When Harriman bought 160,000 tons of rails of the Tennessee company a few months ago, it brought the steel company to a realization that it had a strong competitor in the steel-rail field."

The New York Sun of November 7, 1907, said: "The acquisition of the (Tennessee) company is particularly advantageous to the Steel Corporation, because of the iron ore and coal properties that go with it. With the Great Northern and Northern Pacific ore lands acquired last year, together with the previous holdings, the Steel Corporation now has iron-ore deposits estimated at approximately 2,400,000,000 tons, of which approximately 700,000,000 tons come with T. C. & I."

John Moody, in an article in Moody's Magazine for January, 1900, said:

"But the most fortunate business stroke of the Steel Corporation, from the view point of its owners, since its organization in 1901, was the acquisition last year of the Tennessee Coal, Iron and Railroad property. The acquisition of this organization has added great potential value to the steel organization and has increased the tangible equity of its common-stock issue to a far greater extent than is commonly realized. The Tennessee Coal and Iron properties embrace, besides important manufacturing plants, nearly 450,000 acres of mineral lands in the Birmingham section of Alabama. As shown in the report of the Tennessee company in 1904, when an appraisal was made by outside parties, these lands contain approximately 400,000,000 tons of first-class low-grade ore, and more than 1,200,000,000 tons of coal, of which about one-half is coking coal. This estimate indicates that the deposits embraced are even in excess of those of the great Lake Superior properties controlled by the corporation, including the Great Northern ore bodies. This entire property was acquired, as is well known, on very favorable terms for the Steel Corporation, and of course puts it in a position where now it need have no concern regarding a possible future shortage of supply of either iron ore, coal, or coke. Added to this is the fact that the deposits are more favorably located than those of the Lake Superior district and will enable the company to carry on in the years to come a vast economic development of production and manufacture in this section of the country. The Tennessee ore is of a grade which is better for the making of ordinary pig iron than that of any other known deposits in this country."

The same writer, in The Public, October 16, 1908, said (p. 10):

"This Tennessee Coal and Iron property embraces not only about 450,000 acres of mineral lands, but includes 41 developed and active iron-ore and coal mines, 16 large blast furnaces, the ownership of several land companies holding extensive tracts of land adjoining the several developed properties of the company, and also the Birmingham Southern Railroad Company, a terminal property of great value connecting the various mines and plants in the Birmingham district with all the diverging trunk lines.

"The capacity of the company's blast furnaces a year ago was about 850,000 tons per annum, and that of the developed coal and ore mines, about 20,000 tons per day. If we compare this capacity with that of the actual production of all the other properties owned by the Steel Corporation, outside of the Tennessee Coal and Iron Company, for the year 1907, we will get the following results: 'Blast-furnace products, 10,819,968 tons; ore and coal mined and limestone quarried, 39,576,161 tons.' In other words, the capacity of the new properties acquired, according to the figures above, is about 15 per cent of the total production of mining products of the entire corporation for last year, and about 8 per cent of the blast-furnace products.

"Based on those figures alone, therefore, the purchase was an exceedingly advantageous one for the Steel Corporation, as the purchase price was only about 3 per cent of the entire present capitalization of the Steel Corporation; or, if we regard all the common stock of the Steel Corporation as water, it was but 4½ per cent of the balance of capitalization.

"But that would be only a superficial comparison.

"The possibilities of the Tennessee property and the value of its raw materials are so gigantic that even if it were producing nothing at the present time it would have been the best bargain at $45,000,000 that the Steel Corporation or any other concern or individual ever made in the purchase of a piece of property.

"The Steel Corporation, fifteen months ago, entered into a lease with the Great Northern Railway interests whereby it has the right to mine at so much per ton the vast ore deposits of the Great Northern properties. The Steel Corporation agreed to pay to the Great Northern people $1.65 per ton for this ore, and transport a portion of the ore over the Great Northern tracks at a specified rate. The Great Northern ore bodies are estimated to contain about 500,000,000 tons of good ore, which, if all mined and taken by the Steel Corporation at $1.65 per ton, would make an ultimate cost to the Steel Corporation of about $850,000,000, without considering cost of transportation, etc. As stated in the Steel Corporation report for the year 1906, this contract was looked upon as a good one from the standpoint of the Steel Corporation.

"The object in giving the foregoing details is to bring out a vivid comparison of this Great Northern deal with that made last winter in the acquisition of the Tennessee Coal and Iron Company. The Great Northern properties, containing probably 500,000,000 tons of ore, will ultimately cost the Steel Corporation about $850,000,000; but the Tennessee Coal and Iron properties, which are of far more value than the Great Northern properties probably ever can be, cost the Steel Corporation only $45,000,000.

"To demonstrate the foregoing statements, let reference be had to the following from the annual report of the Tennessee Coal and Iron Company for the year ending December 31, 1904. In that report Mr. Bacon, the chairman of the board, said:

"'Early in the summer of 1904 a committee of appraisers was appointed, representing the Sloss-Sheffield Steel and Iron Company, the Republic Iron and Steel Company, and this company, to estimate the amount and quality of the coal and iron ore owned by each company. An examination covering several months was conducted, as the result of which a report signed by every member of the committee was submitted, showing that this company owns in fee over 395,000,000 tons of red ore, of which 381,000,000 tons are graded as first class, 10,177,000 tons of brown ore, and over 1,623,000,000 tons of coal, of which 809,112,000 tons are coking coal. In the coking coal is included 300,000,000 tons of Cahaba coal, which is unexcelled in the South for steam and domestic purposes, and commands the highest market price of any grade of coal in the district. The men in charge of our iron mines estimate the holdings of iron ore of the company to be still larger, viz, of first-class red ore, over 450,000,000 tons; of second-class red ore, over 95,000,000 tons; and of brown ore, 16,900,000 tons.'

"From the above it will be seen, figuring the first-class ore at as low an amount as $1 per ton, that the valuation for that alone is $395,000,000. If we disregard the aggregate estimate of coal, and simply take the estimate for coking coal at as low a figure as 50 cents per ton, we get a valuation of $400,000,000 more. A very conservative estimate of the values of the ore and coal deposits of the Tennessee Coal and Iron Company at the present time is hardly less, in all probability, than $1,000,000,000.

"Now, as far back as 1901, Mr. Schwab made the statement that the coking-coal deposits of the Steel Corporation were of vast value, because of the fact that coking coal of the kind needed for blast furnaces was rapidly growing scarce, and that in a few years there would probably be no more. He disregarded the Tennessee properties undoubtedly, but by this great acquisition the Steel Corporation has been put in a position where it need have no concern for the future as far as coking coal is concerned. In fact, the acquisition of the Tennessee Coal and Iron Company, aside from being a business stroke of enormous direct profit, has had the effect of rounding out and completing the control by the corporation of the ore and coking-coal supplies of the country.

"That acquisition is of more value to the steel trust, and will be in the future in many ways, than its holdings of Lake Superior ores, both because of location and because of general character and quality of the deposits.

"It is known that the Tennessee iron-ore deposits are the best in the world for making pig iron; and the cost of production and manufacture of iron products in that section is considerably less than is the case in the Great Northern ore bodies. Therefore, it can be easily demonstrated that the acquisition of this property for $45,000,000 added an almost unheard-of value to the equity back of the Steel Corporation stocks.

"Many people have wondered and are still wondering why, in the face of temporarily poor earnings and in the face of tariff agitation, the Steel Corporation stocks, both common and preferred, have been steadily rising since last December, and are now almost at the highest figures of their history. The foregoing demonstration certainly accounts for it.

"If it were not for the danger involved in tariff agitation, the Steel Corporation common stock would probably be selling to-day at nearly double its present value. In other words, instead of having a market price of $45 per share, a total market value of about $220,000,000, it would be selling in the neighborhood of $90 per share, with a total market value of $450,000,000. It could easily reach this point in spite of the fact that the corporation may not pay any larger dividends for several years to come.

"The appraised value in 1904 of the Tennessee company's properties, as quoted above, was that of a thoroughly impartial and unanimous board. This appraisal must have been known to Mr. Morgan and the rest of his party when the property was taken over by the steel trust at the absurdly low price they paid. If they checked the panic by this transaction, they did it by taking a few dollars out of one pocket and putting millions into another."

Frank A. Munsey, in an article in Munsey's Magazine for June, 1908, who stated that the inventory was compiled through the courtesy and with the assistance of the Steel Corporation, said:

"The Tennessee Coal and Iron Company is entered as a separate item in this inventory. Its ore and coal and mills and furnaces and other properties are not included in the other classifications. This company is put in at an estimated value of $50,000,000, which is somewhat more than the Steel Corporation paid for it, but probably a much smaller sum than it is worth to the Steel Corporation. Its chief value lies in its coal and ore properties. Its ore is estimated at 700,000,000 tons. It is not as high-grade ore as the northern ores; but assuming that it is worth 15 cents per ton, it alone would amount to $105,000,000. Its coal is estimated at about a billion tons, which at 10 cents a ton would be $100,000,000. From the fact that the known supply of ore in the country is limited, it may be worth two or three times this price. There is no way of telling just what it is worth. But as a guide to the value of ores we may take the price fixed upon for the Great Northern ores between James J. Hill and the Steel Corporation. The Great Northern Railroad and the Northern Pacific had vast holdings of iron ore in the Messabe Range, and after many months of negotiation the Steel Corporation entered into a contract a year ago to take all this ore at a certain price per ton, the price to be advanced each year over the preceding year 3.4 cents. The first year's price, which covered the year 1907, was 85 cents a ton. This year it is 88.4 cents a ton. On this basis the price will soon be over a dollar a ton, and the average cost for the entire supply will be considerably in excess of that figure. And this ore is supposed to be of a lower grade, as a whole, than the ore owned by the United States Steel Corporation, which in this inventory has been conservatively—ultraconservatively—figured at 60 cents a ton. If the Hill ore is worth over a dollar a ton, the ore of the Steel Corporation is worth quite as much, and even more, as it is of a better grade. And these prices of this Northern Pacific ore have an important bearing on the ore

properties of the Tennessee Coal and Iron Company. I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the Steel Corporation were easily worth a dollar a ton; and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated."

Judge E. H. Gary, of the Steel Corporation, in his testimony before the Ways and Means Committee of the House of Representatives in 1908, thus referred to this Munsey article:

"This is the result of an independent examination by Mr. Munsey concerning the value of our properties. He gives the properties in detail and his valuation; and if anything, I would say that it is a little too high, but it is not very much too high, and certainly properties could not be reproduced for anything like that; in fact, it would be impossible to reproduce them at any price, perhaps, some of them." (Tariff Hearings, p. 5496.)

But the Steel Corporation, in its corporate capacity, is on record as to this property. In the Sixth Annual Report of the United States Steel Corporation, for the year ending December 31, 1907, the holdings of the Tennessee company which were acquired are given as follows (pp. 26, 27):

"Surface and mineral rights acreage of iron ore, coal, and limestone property, owned in fee, 447,423, distributed as follows: In Alabama, 340,263 acres; in Tennessee, 105,740 acres; in Georgia, 1,420 acres. Upon this property there were in operation in the State of Alabama, near Birmingham, 13 active iron-ore mines, with 2 under construction, and at Greeley 3 active iron-ore mines. In Georgia there were 2 active iron-ore mines in operation.

"In Alabama there were in operation 22 active coal mines and 2,800 coke ovens; in Tennessee, 1 coal mine and 174 coke ovens.

"There were 2 active quarries, 1 inactive, and 1 in course of development, all in Alabama.

"There were 14 active blast furnaces in Alabama; 2 in Tennessee.

"All mills, foundries, machine shops, etc., were located at Ensley and Bessemer, Ala., near Birmingham.

"The Tennessee company owned the capital stock of the Birmingham Southern Railway Company, a terminal railroad connecting the various mines and plants of the company in the Birmingham district, consisting of 31.16 miles of main and branch lines, 1 mile second track, 67.78 miles yard and siding tracks, 35 locomotives, and 725 cars of all descriptions.

"The Tennessee company owned the entire issued capital stock of the Tennessee Land Company, the Booker Land Company, and a controlling interest in the stock of the Ensley Land Company—these companies owning various tracts of land adjoining the several properties of the Tennessee company.

"The net profits of the Tennessee company for the year 1907, after charging off $437,666.84 for depreciation and extraordinary replacements, and $885,552.31 for net interest charge on bonded and floating debt, were $1,426,684.58 (a little more than 4½ per cent on the capital stock).

"The company spent during 1907, for extensions, additions, and betterments, the sum of $6,589,116.99."

At page 29 of this report the following is found:

"In November, 1907, the corporation acquired a majority of the common stock of the Tennessee Coal, Iron and Railroad Company, as is set forth in detail on page 25 of this report. The purchase was made during the financial panic of October, 1907. The parties owning or controlling a majority of the Tennessee company's stock offered the same to the corporation on terms which were satisfactory, both as to price and manner of payment. The purchase of the property promises benefit to the corporation and also aided promptly and materially in relieving the financial stress at the time existing. The Tennessee property is very valuable. Its mineral resources are large. The location of the iron-ore and coal deposits in the immediate proximity of the manufacturing plants enables the production of iron at reasonable cost. It is believed the lines of business of the Tennessee company can be materially extended. During the last two years about $6,250,000 were expended in rehabilitating, modernizing, and enlarging the furnaces and steel plant. Additional expenditures of considerable magnitude in 1908 are contemplated to complete the plans for improvements which were under way when the corporation acquired the property. It is believed that when these improvements and extensions shall have been completed and the operating management perfected the business of the company will be profitable."

Improvement of Our Waterways.

SPEECH

OF

HON. JOSEPH E. RANSDELL,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. RANSDELL of Louisiana said:

Mr. SPEAKER AND GENTLEMEN OF THE COMMITTEE: I propose to discuss this afternoon the question of a bond issue for the improvement of our waterways. At a convention of the National Rivers and Harbors Congress held in this city on December 9, 10, and 11, 1908, a resolution was adopted that—

The Congress of the United States should at its present session authorize the issuance of bonds of the Government to an amount of *$500,000,000, to be sold from time to time in such quantities as may be necessary*, the proceeds of same to be used in payment exclusively of such river and harbor work as shall be authorized by Congress, the provisions for the issuance of said bonds to be similar to those authorizing the bonds for the construction of the Panama Canal.

In accordance with authority delegated by that convention, and to carry out the aforesaid resolution, a committee composed of Representatives J. HAMPTON MOORE, of Pennsylvania; SWAGAR SHERLEY, of Kentucky; RICHARD BARTHOLDT, of Missouri; and myself introduced H. R. 27151, a bill which authorizes the Secretary of the Treasury—

To borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures hereafter to be authorized by Congress for waterway improvements in the United States and Territories (such proceeds when received to be used only for the purpose of meeting such expenditures) the sum of $500,000,000, or so much thereof as may be necessary, *and not to exceed $50,000,000 in any one fiscal year*—

And so forth.

It will be seen from a perusal of this resolution and bill that the National Rivers and Harbors Congress and its friends do not contemplate an immediate issue of $500,000,000 of waterway-improvement bonds, but that same shall be emitted from time to time, as work on waterway projects progresses, *and not to exceed $50,000,000 in any one year.*

I wish this matter to be clearly understood, because some of our prominent papers seem to have had a mild attack of nightmare at the danger of our country being flooded with $500,000,000 of waterway bonds. We have never contemplated any such step as that, but all of our aims and endeavors have been to improve the waterways of the Nation in a comprehensive, businesslike manner, carefully and deliberately; and to provide funds therefor we came to the conclusion that it was necessary to issue bonds to the extent of $50,000,000 a year for the next ten years, aggregating a total of $500,000,000.

It has been contended that we should first adopt a general plan of waterway improvement before providing money to carry it out, and that it is unnecessary and unwise to authorize a bond issue in advance of the adoption of the plan.

This argument is plausible, but it is not borne out by the facts. While that broad, far-reaching plan for improving all the Nation's waterways for which the National Rivers and Harbors Congress has labored so faithfully during the past four years has not yet been adopted, we have before us now a number of waterway projects which have been carefully surveyed by the army engineers and favorably reported upon, and which will fit into and become a part of any general plan; and, pending its adoption, there is no reason why work should not begin and be prosecuted on a number of these projects, which, as stated, will form a part of the general plan when adopted. There has been so much delay in improving our waterways that we are anxious to have the work go forward as rapidly as possible on those portions which have been surveyed and are now ready. It would require between $200,000,000 and $300,000,000 to complete the projects of river and harbor work which are already under construction or now ready for adoption after final surveys, and it is to carry these forward to prompt completion that we urge a bond issue of $50,000,000 a year.

We have been insisting for several years that a comprehensive plan for all the waterways be adopted and the work be carried on at the rate of at least $50,000,000 a year, but no legislative step has been taken to secure that end until the present session, when a commission was created by the river and harbor bill now pending which has for its object the working out of such a plan and securing its adoption by Congress. I sincerely hope it may succeed, and I earnestly trust that in the meantime Congress will not delay the prosecution of those great waterway projects which have already been studied, which are understood in all their details, and which will prove of the highest benefit to our citizens.

When we legislated for the construction of the Panama Canal we did not leave financial provision for that colossal work to succeeding Congresses, but empowered the Secretary of the Treasury to issue bonds to the amount of $130,000,000 for the prosecution thereof, and authorized the President to carry it forward in the most expeditious manner. And now, as this sum is about exhausted and the canal still far from completion, we expect to provide an additional bond issue of nearly $200,000,000, making a total for the Panama Canal, when completed, of over $300,000,000 of bonds, in addition to large sums paid out of current revenues.

When the people of New York wished to enlarge and deepen the great Erie Canal they did not rely upon uncertain appropriations from their legislature, but voted a bond issue of $101,000,000 to complete it and placed the work at once upon a sane, safe basis, on which it is now progressing steadily and is sure to result in success.

Why not imitate in the improvement of our waterways the wise example pursued by us toward the Panama Canal and by the Empire State in regard to the Erie Canal? In both instances the large bond issues were approved by a vast majority of the people, because there was no better or more feasible method; and the friends of waterways now advocate a bond

issue because, in their judgment, there is no other method which is likely to produce quick and good results.

If any other means can be devised for carrying out the comprehensive waterway plan we advocate, it will have our cheerful support; and we certainly would not ask for bonds if current revenues sufficed. We stand for bonds because we are firmly convinced that without them no great advance can be expected over present methods, and the mighty interests at stake should no longer be permitted to suffer.

The friends of waterways are neither theorists nor visionaries. They have watched for many years the unsatisfactory, unbusinesslike, and desultory manner in which appropriations for most of our rivers have been made, and how slowly the work has progressed thereon; they have seen that in the majority of cases the money appropriated was so inadequate and scattered through such long intervals of time that the results were bad in the extreme and in many instances large sums were practically wasted; they have seen river and harbor bills passed every three years while the other great appropriation bills were passed annually; they have seen river and harbor bills forced to wait until everything else was provided for and then receive only the crumbs from the national table; and they have become fully convinced that the only way to bring about definite, final, and really beneficial results is to have a comprehensive plan for all our waterways and full provision made in advance for carrying it out without danger from lack of funds or otherwise in subsequent sessions of the National Legislature.

In determining the question of issuing bonds to improve our waterways we must decide: First, whether they need improvement and what will be the cost thereof; second, are they worth improving and what benefits would be derived therefrom; and third, is there any other or better way than by a bond issue?

It is admitted by all, and for the purpose of this argument it may be taken as granted, that many of our most valuable rivers, such as the Columbia, the Missouri, the upper Mississippi, the Ohio, the Red, and the Tennessee, are practically worthless during several months of each year because of shallow water, which impedes and often prevents navigation thereon. The same is true of nearly every river in the country and also of the intercoastal waters along both oceans and the Gulf, which must be connected by artificial canals. We can not give the exact cost of improving all these waters, including our harbors, as surveys and estimates are incomplete in several important instances, but from the reports of the United States army engineers, who have charge of all such work, and a number of careful estimates in other cases, we are safe in assuming that it will be about $500,000,000 for the projects now being urged before Congress.

The total cost of all expenditures by the National Government for waterways during our history, including all our canals and rivers, as well as the lakes and ocean harbors, and excluding the Panama Canal, is about $600,000,000, and a careful examination of the benefits derived therefrom will give us some idea of the results to be expected from a like additional expenditure.

It is impossible to say just how much commerce is carried by our waterways, as no accurate statistics are kept, except as to that portion passing through the "Soo" Ste. Marie Canal between Lakes Huron and Superior. We are enabled, however, to form a fairly correct estimate from the reports of the United States Engineers, and after a careful examination thereof, I have reached the conclusion that the commerce on our internal waters, including the Great Lakes and excluding all coastwise business, was about one-third as great as the total commerce of all the railroads of the country in 1907. In arriving at this amount I take for my unit a ton of freight carried 1 mile, as that is the unit of the Interstate Commerce Commission in making its estimates of the amounts of freight carried by rail.

The commerce through the Sault Ste. Marie Canal during the season of 1907, according to accurate statistics of the United States Engineers in charge, was 58,217,214 tons, which was carried an average distance of 828.3 miles, at a freight charge of 0.80 of 1 mill per ton per mile, equal to $38,457,345.

The commerce through the Detroit River is given as 71,226,895 tons, but the freight charge is not stated, and no figures are given for other parts of the Great Lakes where there is also a heavy traffic.

In order to get some idea of this lake-water rate of 0.80 of 1 mill, let us compare it with the average rail rate of the entire Union for the fiscal year ending June 30, 1907, which, according to the Interstate Commerce Commission, was 7.59 mills per ton per mile—just 9.48 times the water rate—say, 9½ times as much by rail as by water. Bear in mind, too, that these are official figures. If this immense commerce of 58,217,214 tons carried 828 miles through the "Soo" in 1907 for $38,457,545 had been conveyed the same distance at the average rail rate of 7.59 mills, it would have cost $364,844,832, which is $325,387,487 more than was actually paid; hence, this waterway saved the Nation in 1907 the princely sum of over three hundred and twenty-five millions.

According to the report of the board of engineers recently appointed to survey the Ohio River, the commerce on that stream in 1905 was about 13,000,000 tons. Its exact cost of carriage was not stated, but one of the members of the board, Maj. William L. Sibert, a very accomplished engineer, now a member of the Panama Canal Commission, estimated that the cost of conveying coal on the Ohio between Pittsburg and Louisville, in the very unsatisfactory condition of the river that year (1905), was 0.76 of 1 mill per ton per mile, and from Louisville to New Orleans, 0.67 of 1 mill, which were, respectively, one-tenth and one-eleventh of the average rail rate.

I have no means of arriving at the cost of conveying ordinary freights on our rivers, and for the purpose of this computation have assumed that the average charge thereon is about three times as high as for general freight on the Lakes, and four times as much as for coal on the Ohio and Mississippi; say about 2.5 mills per ton per mile, or about one-third of the average railroad rate.

A striking instance of water transportation is furnished by the great coal fleets on the Mississippi. Mr. J. A. Ockerson, member of the Mississippi River Commission, in a speech at St. Louis last February (1908), cited the case of the steamer *Sprague*, which recently carried in one tow 67,000 tons of coal. He said that a late report of the Frisco road gave 16.9 tons as an average carload for the year 1907, and 224.4 tons as an average train load, on which basis it would require 3,965 cars, or 298 trains to carry this cargo. Even if you compare this great steamer's load with the giant trains of our western prairies, it will be seen that 67 trains of 1,000 tons each are required to move it.

From a careful study of this subject, I am convinced that water transportation in the United States costs about one-sixth the average rate by rail.

The Report of the Interstate Commerce Commission for 1908 shows that for the year ended June 30, 1907, the number of tons of freight carried 1 mile by rail were 236,601,390,103, and the revenue per ton mile was 7.59 mills. This gives a total freight charge of $1,795,804,550.88.

The commerce through the Sault Ste. Marie Canal during the season of 1907, as shown above, was 58,217,214 tons, carried an average of 828.3 miles, at eighty one-hundredths of 1 mill per ton per mile. Let us reduce this to tons carried 1 mile for the purpose of comparison with rail and we have: Tons of freight carried during 1907 1 mile through the Lakes and the Sault Ste. Marie Canal, 48,221,318,356; total freight charge, $38,457,345.

As above stated, we have no accurate statistics as to commerce on our internal waters other than that passing through the Sault Ste. Marie and the Detroit River, but from the best information obtainable I make the approximate estimate that on other portions of the Great Lakes, exclusive of the Sault Ste. Marie Canal, and on all our other lakes, rivers, and canals, excluding all coastwise business, the amount of freight carried 1 mile by water during 1907 was about 25,000,000,000 tons. The freight charge is even more difficult to obtain than the amount of freight carried, but it is certainly not more than twice as much as that on the Ste. Marie Canal. I have shown that the charge on the large coal traffic on the Ohio and the Mississippi rivers was about one-tenth to one-eleventh of the rail rate, according to Major Sibert, and that general freight by water was about 2½ mills. Hence, I adopt 1.60 mills, or double the Sault Ste. Marie rate, as my unit of cost on this 25,000,000,000 tons, and it gives a total freight charge of $40,000,000. Therefore we have a total *water carriage* in 1907 of 48,221,318,356, plus 25,000,000,000, equal *73,221,318,356* tons, at a cost of $38,457,345, plus $40,000,000, equal *$78,457,345*.

Compare this with 236,601,390,103 tons by rail at a cost of $1,795,804,550.88 and the figures are very striking. The traffic carried by water was nearly one-third as much as that by rail, *and the freight cost, instead of being about one-third to place it on a par with rail, was about one twenty-third of that by rail.* Had this 73,221,318,356 tons of water-borne freight been carried at the average rail rate, 7.59 mills, the charge thereon would have been $555,749,810.22, or an excess of $477,292,471 above the rate actually paid. Hence by the use of the waters this vast sum of $477,000,000 was saved in 1907 to the American people.

Moreover, our coastwise and across-sea commerce is much larger than that borne on our internal waters. Costly improvements made in our ocean harbors and in the mouths of great rivers like the Columbia and the Mississippi have reduced ocean rates from 200 per cent to 300 per cent as compared with

the rates of thirty years ago, when vessels drew 22 to 24 feet and carried 2,500 to 4,000 tons; whereas they now draw 28 to 35 feet and carry 8,000 to 15,000 tons. The saving in reduced rates on this vast ocean commerce resulting from improving and deepening harbors and their inlets is probably as great every year as that on the internal waters; certainly it is a very large sum.

For a further evidence of the cheapness of water transportation let us cross the Atlantic for a moment. In England a waterway policy similar to ours has been pursued. Many canals have fallen into disuse and rivers are neglected. But in spite of this, Mr. E. R. Conder, an English authority, recently stated that rail rates in England cost about three and one-half times as much as those by canal, and he includes in his estimate interest on the cost of the canal.

In Germany, France, Holland, and Belgium a totally different policy has been pursued. Rivers and harbors have been widened and deepened and connected by many transverse canals, so there is complete connection by water between every part of those countries. Paris, the capital of France, is connected with Antwerp, the great seaport of Belgium, by seven water routes; and Berlin, the famed metropolis of Prussia, though an inland city, has excellent connection by water with the sea and is joined to every part of Germany by a perfect network of canals.

Mr. O. Eltsbacher, in a recent work called "Modern Germany," gives the freight cost on the Oder at about 3½ mills per ton per mile, on the Elbe about 2½ mills, and on the Rhine about 1.8 mills; hence, as the commerce on the Rhine is much the largest, the average is about 2¼ mills. This is much higher than with us, but the rail rate is also higher, being 11.7 mills for Germany in 1905, as compared with 7.6 mills here. *It would appear, therefore, that in Germany the rate by rail is about five times as high as by water.*

And Prof. J. Paul Goode, of the University of Chicago, in his very able report of November 10, 1908, to the Chicago Port Commission, says, in speaking of the German waterways:

> That so much of the traffic of the country is done by water is not surprising when we learn how freight rates compare between rail and water. From Hamburg to Berlin is 158 miles. It costs 1.38 marks to send 100 kilos (220 pounds) of grain this distance by rail, and but 0.3 mark by water, or about five times as much by rail as by water. On general merchandise by rail the rate is 2.96 marks per 100 kilos, and by water 0.45 mark, or about six times as much by rail as by boat. Coal, ore, and lumber do not go up these valleys by rail at all, the rate by water being comparable to that of grain.
>
> From Hamburg to Dresden is 250 miles in a direct line. On grain the rate by rail is 2.2 marks per 100 kilos, by water 0.37, or about seven times as high by rail. On general merchandise the water rate is 0.4 mark per 100 kilos, the rail rate is 4.38 marks, or almost eleven times as much by rail as by water.

These facts from home and foreign lands demonstrate that waterway improvements heretofore made have been very profitable, and it is reasonable to assume that we will get similar benefits from continuing such improvements.

Shall we do this work in a broad, comprehensive way, taking up great projects, such as the Ohio River or the Lakes-to-the-Gulf deep waterway, for example, and finish them within a definite period of eight or ten years, or shall we proceed in the unbusinesslike manner that has been followed in regard to most of these improvements? Work on the Ohio began thirty-two years ago on a plan to secure a minimum depth of 6 feet at all stages, and only about one-tenth of the project is now completed. If past methods continue, it will require over one hundred years to finish the present project of 9 feet. I mention this river simply as an illustration of the very many cases like it. If we intend to improve our waterways, we should at once adopt a definite plan and provide at least $50,000,000 a year for that purpose, so that the work may be commenced and prosecuted to completion on all such projects as are admitted worthy without unreasonable delays or change of plans. In order to accomplish this, I believe it necessary to authorize a bond issue of fifty millions a year for the next ten years, or so much thereof as may be necessary, in addition to appropriations for maintenance out of the current revenues, and I fail to see any reasonable objection to such a bond issue.

Are not railways built by bonds? Do not state, county, and municipal authorities issue bonds for permanent improvements of every character? The Panama Canal is being built by bonds. Why should not our harbors and inland waterways be built for this and coming generations by bonds?

There is a vast difference between incurring debt for current expenses and for permanent investments, and most of our proposed waterway improvements would become investments that would pay a large annual dividend on their cost in reduced freight rates. If the annual saving on past improvements be adopted as a guide, this dividend would amount to over 100 per cent per annum; but even if we go to the other extreme and say that the saving would only be one-tenth as much, or 10 per cent, it would certainly pay for the Government to borrow money at 2 or 3 per cent and invest it at an annual profit of 10 per cent.

I wish it understood that in my judgment every dollar wisely invested in permanent waterway improvements, under the plans of the United States Engineers, would return an annual profit of fully 100 per cent in lessened freights; and I am fully convinced that the profits arising every year from past expenditures are largely more than 100 per cent.

It seems unreasonable to suppose that we can expect $50,000,000 to $60,000,000 a year for waterways out of ordinary revenues of Government, unless there be a speedy change in our fiscal policy, for the deficit last year was $58,070,202.50, and the estimated expenditures for the current year in excess of the estimated revenues are $114,000,000. Moreover, the estimated excess of expenses over revenues for the fiscal year ending June, 1910, is $143,000,000.

It would seem that if any class of expenditures can be provided for by a bond issue it should be those which result in something permanent and beneficial, such as public buildings and waterway improvements, which pay a large annual interest on their cost in benefits to the present and succeeding generations. Posterity is to reap the reward quite as much as ourselves and should bear its share of the burden.

We have three great transportation agencies—highways, railways, and waterways. Vast sums have been expended by local communities, counties, and States to improve highways, and in many instances the amounts necessary were raised by an issue of bonds. The State of New York is authorized to raise $50,000,000 by bond issue to build good roads, and each local community receiving state aid for its roads must contribute a similar amount; hence, in New York the people not only have to pay a hundred and one millions of Erie Canal bonds, but nearly as much additional for highways, and yet the New Yorkers are the most prosperous and progressive citizens of the Republic. Moreover, in many other States there have been large bond issues for good roads.

Whenever a railroad is to be constructed the nearly universal practice is to provide for its cost by issuing bonds secured by mortgage on the road, and I doubt if there be an instance in the Union where a railroad of much importance was ever built without a bonded indebtedness. I have endeavored in vain to ascertain the total cost or valuation of the 227,678 miles of steam railroads of the United States. Mr. James J. Hill, in a recent speech at Chicago, estimated their cost at over $14,000,000,000. Bulletin 21 of the Census Bureau says:

> The commercial value of railway operating property in the United States, computed for the year 1904, was $11,244,852,000.

The capital stock and debt of these roads at the close of the fiscal year, June 30, 1907, as reported by the Interstate Commerce Commission, was:

Total railway capital		$16,082,146,683
Stock, common	$5,932,948,772	
Stock, preferred	1,423,912,919	
		7,356,861,691
Funded debt, bonds	6,472,839,323	
Miscellaneous obligations	1,616,427,904	
Income bonds	306,244,476	
Equipment trust obligations	329,773,289	
		8,725,284,992

Some interesting facts in this connection are that the interest-bearing indebtedness of the railroads in 1896 was $30,126 per mile of line and amounted to a total of $5,340,338,502. In 1906 the interest-bearing indebtedness was $36,213 per mile of line and amounted to a total of $7,766,661,385, an increase in the interest-bearing obligations of the railroads during the decade of $2,426,322,883, or nearly five times the amount proposed for the expenditures for waterways. In 1902, the latest date for which figures are available, the total public debt of all the States of the Union was $234,908,873; the total public debt of all the counties, cities, and towns in the United States was $1,630,069,610, which, added to the state debt above noted, makes the total public debt of all the people of the United States, exclusive of the national debt, $1,864,978,483, only about 75 per cent of the increase in the interest-bearing debt of the railroads during the last decade.

And the people of the Union pay interest on all this railway stock and debt—upward of $16,000,000,000—a sum so large it baffles imagination and is almost inconceivable.

Mr. Hill also said it will require over $5,000,000,000 to make the necessary additions and terminals now required by our railroad systems, and his statement is corroborated by Mr. Brown, president of the New York Central lines. Hence we must expect a further bonded indebtedness of five billions within the next decade.

Most of these colossal expenditures for railroads were wise and beneficial. Without them our mighty Republic could never

have reached its present magnificent proportions. I hope and believe that our financiers will advance the required sums to extend this system, as suggested by Messrs. Hill and Brown, for I believe it to be necessary in working out our great industrial destiny.

Striking instances of incurring debt for waterways are the recent issue by the State of New York of bonds aggregating $101,000,000 to enlarge and deepen the Erie Canal; by the State of Illinois of $20,000,000 for the Lakes-to-the-Gulf deep waterway; and by the National Government of $130,000,000 for the Panama Canal, to be increased hereafter by nearly $200,000,000 additional, as before stated.

But if bonds are necessary for highways and railways—and not small sums, such as the proposed issue of $50,000,000 a year for the next ten years for waterways; $500,000,000 in all—but more than seventeen times that amount of actual outstanding railway bonds, and ten times as much of proposed new railway bonds, and over three-fifths as much for a single waterway, the Panama Canal—then what is the objection to issuing bonds for the improvement of our waterways if there be no current revenues out of which to improve them?

If the people of New York by a large majority approved the big bond issue for the Erie Canal, as did the people of Illinois for their project also, and the people of the Union with complete unanimity approved the Panama bond issue, and will undoubtedly approve a much larger additional issue for the same purpose, there is no doubt they would sanction and welcome a wise, carefully guarded bond issue for improving our waterways on comprehensive lines, according to a well-conceived plan just to every portion of the country.

Since I became interested in this subject a few years ago, the first important utterance in favor of a bond issue brought to my attention was made by Hon. Charles S. Fairchild, of New York, late Secretary of the Treasury in President Cleveland's Cabinet, when arguing for the improvement of the Mississippi River before the Rivers and Harbors Committee February 2, 1904. He said:

Mr. Chairman, as you have been talking it has seemed to me that questions of this nature we make a great mistake in not treating as a whole; we make a mistake in treating them as merely annual affairs.

Now, you are going to build this canal—Panama—and you are going to issue bonds to provide for the whole enterprise. Here is a thing which is not like others that you have suggested, but which will last for all time in its importance. It is not like the question of keeping a harbor clear, of dredging the annual accretion of deposits in a harbor, but is doing something such as the building of a canal, such as we are doing in the State of New York in making the barge canal through that State, which is for all time, as that is there.

Now, it seems to me that wise statesmanship would take that in view, and if need be issue bonds, do that which does the work most effectively and economically and expeditiously. It seems to me that the time has come when these great questions, and particularly a question like this—the improvement of the Mississippi River—which is of such vast importance to us and of such a permanent nature, ought to be considered in some such way, and not made to fit into the annual revenue of the Government.

The CHAIRMAN. Then do I understand you that you would advocate the issue of bonds for this purpose?

Mr. FAIRCHILD. I would.

The CHAIRMAN. For river and harbor improvements?

Mr. FAIRCHILD. I would, where they are of this permanent nature, like the building of a canal, like the doing of that sort of thing. I think economy and wise finance would treat the subject in that way and provide for the funds as they can be wisely expended, irrespective of annual revenue. That is the way I would do it if I was an individual doing it, and if I was the United States and had these things on hand I would do it in that way.

A number of the most prominent men of the Republic have spoken within the past twelve months in favor of a bond issue, notably our colleague, Mr. DAVIDSON of Wisconsin, Senator KNOX, Mr. Andrew Carnegie, Vice-President Fairbanks, President-elect Taft, and President Roosevelt.

Mr. Andrew Carnegie, in the course of his address at the great National Rivers and Harbors Congress at Washington, December 9–11, said:

I was delighted to hear the President of the United States say yesterday, in which the President-elect concurred, and I am delighted to have heard this morning a man occupying the proud position that Mr. Fairbanks does in this country indorse this policy, that we should issue bonds. It is right for this reason: It has been proved, and it needs no more proof, no more contest; we are as certain as that the sun shall shine to-morrow that the improvement of our waterways will give back to this country tenfold the expenditure.

Mr. DAVIDSON, chairman of the Committee on Railways and Canals, speaking before the same convention, said:

Shall appropriations for waterways continue to be made at irregular intervals or annually, as other appropriations are made? Shall the work be done by piecemeal, haphazard, or under some well-defined system?

That current revenues will not permit of extensive appropriations for the improvement of waterways is plainly apparent, especially if large appropriations for other purposes are to be given first consideration. Much has been said at this convention concerning the advisability of a bond issue. There is much merit in the suggestion that, as future generations are to benefit from these expenditures, the long-time obligation to pay for the same might properly be authorized.

On February 12, 1908, Senator KNOX, soon to be the Secretary of State, in an address delivered before the Chamber of Commerce of Pittsburg on the "Natural highways of the Nation—its rivers, lakes, and harbors," advocated that the work of developing these resources be done comprehensively from the proceeds of bonds. He mentioned figures as high as $750,000,000 for this purpose and justified the expenditure of so vast a sum both from the standpoint of national necessity and the ease with which, considering increase in population and wealth, an additional debt of this size could be carried.

Vice-President Fairbanks also, in his address before the recent rivers and harbors convention in this city, favored the issuance of bonds, and spoke in part as follows:

It is good policy for the Government to be liberal in meeting the cost of permanent work, such as public buildings and the ordinary improvements to rivers and harbors, out of its current income, but the present accumulated needs of commerce and the necessities which may reasonably be anticipated to arise in the immediate future require an unusual expenditure. Such increased outlay may well be provided for by an issue of bonds so measured as to volume and date of maturity as justly and equitably to distribute the burden among the beneficiaries of the expenditure.

President-elect Taft has, in repeated utterances, advocated the issue of bonds for the improvement of waterways. In his address before the convention of the Lakes-to-the-Gulf Deep Waterway Association, October 21, 1908, he said:

My own judgment is that every improvement like that of the Lakes to the Gulf, like that of the Ohio River, like that of the Missouri River, like the Atlantic seaboard inland waterways, should be treated by itself as one great enterprise, just as we have treated the Panama Canal, and that provision should be made by bonds or otherwise for the setting aside of a fund sufficient to complete it as rapidly as possible.

To leave progress in these matters to the fitful and partisan consideration of appropriation committees in Congress, influenced by a desire to reduce the appearance of total expenditures each year as much as possible, is to impair the necessary financial support of every one of these great enterprises, and to drag them along from year to year, and greatly delay their ultimate completion.

At the governors' conference, Washington, D. C., December 8, on the subject of bonds, the President-elect said:

I have no compunctions on the subject of issuing bonds if the debt to be contracted ought to be met by bonds. I think that men sometimes overdo the business of meeting what ought to be distributed expenses out of current income. I think there is good reason for issuing bonds for these improvements that are to be permanent, and not to spend current income for them. Sometimes it takes as much courage and involves as much real public interest to issue bonds for a purpose for which bonds ought to be used as it is to pay as we go. In other words, it is a mere question of economic policy, and the mere fear of criticism because an administration has issued bonds should not prevent us from doing justice to ourselves and posterity.

President Roosevelt in his annual message, on the subject of inland waterways, says, in part:

Until the work of river improvement is undertaken in a modern way, it can not have the results that will meet the needs of this modern Nation.

These needs should be met without further dillydallying or delay.

Funds should be provided from current revenues if it is deemed wise, otherwise from the sale of bonds. The essential thing is that the work should go forward under the best possible plan and with the least possible delay. The time for playing with our waterways is past. The country demands results.

Moreover, the National City Bank of New York, the most powerful financial institution in the Union, in its circular of January 1, 1908, seems to regard a bond issue for public improvements with much favor. It says:

In any discussion of the possibilities even of further large issues of Government bonds during, say, the next ten years, it is of interest to note that the high point of the national interest-bearing debt was reached in August, 1865, when it stood at roundly $2,800,000,000 and the population was 34,000,000. To-day it is $910,000,000 and the population 87,000,000.

During the period 1880 to 1890 the interest-bearing public debt was reduced one thousand millions, a reduction by voluntary taxation in a single decade, as declared by the authorities in charge of the census of 1890, without parallel in the world's history. It is the opinion of those now living who have had most to do with government issues since the civil war that this country could support with ease a public debt of five thousand millions. It is also believed that in view of the limited use which banks in the future will be able to make of government bonds—and they are the only market for the 2 per cent issues, because of the advantage which the latter possess as security for national-bank circulation—the people of the country, the investing public, must be looked to as the purchasers to any great extent of government bonds. This being true, it may fairly be predicted that the government bond of the future, if any general plan of providing funds for permanent undertakings is adopted, must be treated on an investment basis and must bear a rate of interest not less than 3 per cent per annum.

And let me again repeat that while the friends of waterways are advocating an authorized bond issue of $500,000,000 they do not ask the immediate issuance of these bonds, but specifically state that they should be sold from time to time, in such quantities as may be necessary, and they suggest that $50,000,000 a year is as much as could be wisely expended at the present time.

So many comparisons between railroads and waterways have been made in this speech that I deem it proper before closing to offer some general suggestions on the subject of transportation.

In my judgment, there should be no rivalry or animosity between water and rail. The three systems—highways, railways, and waterways—should be complements and helpers each of the other. The more perfect a country's highways the denser becomes its population, the greater its general prosperity, the cheaper its transportation charges, the larger its volume of internal and foreign commerce, and consequently the better business for steam cars and steamboats. In like manner, where waterways are well improved and much used to carry the heavy low-class, bulky articles, such as ore, coal, steel, iron, stone, brick, agricultural products, logs, and lumber, the more prosperous are the adjacent railroads.

These articles are too low priced to stand a heavy freight charge, and in many cases they are hauled by the railroads without profit and to the serious detriment of high-class freight on which there is a good profit. This is well illustrated by the roads paralleling Long Island Sound, the Hudson River and Erie Canal, and the Great Lakes. On these water courses there is an enormous commerce, and yet the adjacent railroads do a large and very profitable business, being among the very best roads in the Union. Railroads often haul crude material without profit, and sometimes at a loss, in order to get the return haul of manufactured articles. Waterways can handle the raw material at a good profit, and the result is a benefit to both. I believe that the proper improvement of any river or water course in the Union, while it will greatly cheapen the carriage of low-class freights in its vicinity, will result in such an increase of population and general business as to benefit rather than injure the railroad; and, in my judgment, it would be a shortsighted policy for railroads to oppose the improvement of our waterways.

I do not know what position is taken on this subject by average railroad men, but some of their most progressive and enlightened thinkers, among whom I may mention Messrs. Shonts, Stevens, Yoakum, Finley, and Hill, have within the past year in public utterances declared themselves in favor of a liberal, comprehensive waterway policy, especially for the improvement of great trunk lines, such as would be provided if the Mississippi River and its principal tributaries were made to do their full duty and the Lakes were connected with the Gulf.

I strongly advocate active cooperation instead of unfriendly competition between railways and waterways. Let them work earnestly together for the complete and thorough development of our country along the broadest, most unselfish lines, and the result is bound to be very beneficial to both. In my judgment, any other policy on the part of the railroads will be fraught with disaster to them and danger to the Republic. They are mighty forces, and some of their friends regard them as irresistible, but I wish to remind these enthusiasts that nothing can stem the torrent of aroused public opinion. For several years loud mutterings have been heard throughout the land, and in some States antirail legislation has become so repressive as to make railroad investments unattractive, to say the least.

If most traffic is driven from the waters by railroad rates so low at river points as to involve loss to the boats and also to the railroads, which the latter recoup by heavy charges at interior points away from the water, and if practically all the terminal facilities along our water courses are acquired and operated by the railroads in their own selfish interest and against that of the waterways, as is said to be true of very many places, who can foretell what the future will bring forth. In Germany, which is thought by some to be the wisest nation on the globe, most railroads are owned by the Government, and discriminating rates against river traffic are prohibited. I would regret to see such a state of things in our great free Republic. I am a strong believer in a fair field and no special favors. I believe firmly in reasonable, necessary regulation and control of all transportation agencies, water as well as rail, but I deprecate unwarranted interference with either, and sincerely hope that the day is yet far distant when our Government will assume either actual or practical ownership of our railroads.

In my judgment, the strongest weapon of defense against this undesirable situation is the best possible transportation system for the entire Union of combined, corelated, interdependent, and friendly highways, railways, and waterways; and again I urge the friends of these three great agencies to unite their forces and secure in the near future this end, so devoutly wished by every citizen of the Republic.

Ocean Mail.

SPEECH

OF

HON. EDMUND H. HINSHAW,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. HINSHAW said:

Mr. SPEAKER: This measure which we have before us to-day is the latest of a series of unsuccessful efforts at appropriating from the Treasury sums of money to be donated to certain lines of steamships with a view to encouraging shipping under the American flag. Let the contentions of the advocates of this legislation be granted; let it be admitted that our merchant marine has fallen into a decline; that, outside of our coastwise trade, the American flag is but seldom seen upon the waters of the world, and still we can find no logical reason why this particular remedy should be devised. If, after all the thought and effort that has been spent upon this subject, no remedy other than a direct gift of the public money to a private business can be found, then indeed are we in a bad way.

There were years when our shipping went into far places and the natives of alien lands looked upon our flag, floating from many masts. Those were small days, when capital was not concentrated into great accumulations and only a moderate return was expected from its investment. They were the days of the wooden ship and hand labor. Individual initiative and personal effort were large factors in the equation. Our unexhausted forests stretched over uncounted miles of virgin land, affording a cheap material of construction, and the virile strength and indefatigable ingenuity of the American made the most of the opportunity that then offered. Then the age of steel and steam came, and the trade of seafaring required a constantly decreasing degree of personal skill. The personal ingenuity of the Yankee became less necessary and the cheaply bought muscle of the Italian took its place. Machinery played a larger part in the manufacture of ships than before and such labor as was necessary was to be had at a lower price in Europe than America. Europe became able to build ships cheaper than America.

Still, the operation of American-built ships was not unprofitable, but a great era of industrial development came over the country. Railroads were threaded across the continent and the results from the investment of capital ascended from comparative to superlative. To supply the wants of a growing people factories came into being all over the land, and their success was tremendous, both through the proper returns of industry and through the less commendable realizations of stock inflation and manipulation. Shipping was unprofitable only in a comparative degree, and capital sought the region of greatest return. Shipping declined, while other lines of industry advanced to a degree before unequaled. Those who still remained in the shipping business, dissatisfied with their moderate profits, esteemed that the National Treasury afforded an easy relief from a situation which had been forced upon them by economic conditions. So they came before the National Congress, holding out begging hands, asking for alms.

I do not believe in paying the public money out for the idle pleasure of having alien peoples gaze upon our flag as it flies from tramp steamers or ocean liners. I do not believe in foisting upon our posterity industrial invalids that will require their constant maintenance and care. I do not believe that we can look into the past and stay the operation of industrial laws by act of Congress. I do not believe in giving away the public money to private individuals in order that they may embark in an unprofitable business. I believe in each man fighting his own battle and each industry doing the same. I believe that when the exploitation of our undeveloped resources is completed, and no new fields await idle capital, it will revert to the moderate and safe return that international shipping affords.

They have said that our flag is vanishing from the seas, and it is true. But that flag does not honor the breeze in which it floats when it must be paid to appear there. The flag should be carried for honor and not for hire.

They have said that the splendid fleet that we saw steam into Hampton Roads the other day from its tour around the world was supplied with coal from colliers carrying foreign standards, and sentimentalists have lifed eyes to heaven, wept

pious tears, and held out hands supplicating for dole. But no one denies that our Treasury is the more prosperous because of it and our prestige abroad increased in spite of it.

To-day the demands upon the public funds are appalling. We have passed the time of the billion-dollar Congress and reached that of the billion-dollar session. In the session just ending we have expended more than one thousand millions for public purposes, and it has taken heroic self-restraint to keep from spending more. The pressure upon us from all quarters is constant and increasing. The public revenues are falling behind the expenditures and a deficit faces us. We must reduce rather than increase our expenditures. But where can we do it? Can we cut down the millions that we have spent this year for the Panama Canal when its construction is demanded by the united voice of our people? Can we eliminate the $101,000,000 that we have spent this year for the army and the $136,000,000 for the navy and leave ourselves and our possessions at the mercy of raider nations? Or cripple or abolish the postal service by saving the $235,000,000 that have been spent for its maintenance? Or shall we keep in the Treasury the $161,000,000 that we have appropriated for pensions and leave the brave defenders of our country to die in want? Or yet cripple the Indian, Public Land, and Forest services, or destroy the irrigation work in arid lands by decreasing expenditure?

Nor will anyone suggest that we abolish the Department of Justice and leave the criminal to go unintimidated. And who would be so lacking in discernment as to desire to limit the activity of the Department of Agriculture, upon which we have spent twelve millions, and have it cease its splendid work for the increased productivity of agricultural lands? Nor can we recall our ambassadors and consuls and restrain the work of our State Department without serious injury to our political and industrial standing. The demands upon us are so great and the activities of the Government are so many that this great expenditure can scarcely be avoided.

We have now pressing upon us the demand for the establishment of the great Appalachian forest reserve, which will require twenty millions in the course of a few years, and which, by reason of the great benefits to be derived from it, we would establish immediately were the money to be had. Also the inland waterways will require five hundred millions, and possibly much more, for which bonds are urged, to be brought to a proper state of operation. This would be a worthy work if the money could be spared. Where shall we go for more money? Our revenues are decreasing from internal revenue by reason of the spread of prohibition territory. We are about to revise and reduce the tariff schedules, which may further diminish the public income. We must seek new fields of revenue, such as inheritance and income taxes, and until these are established as constitutional and their degree of productivity shown projects such as these must wait.

The subsidizing of these particular vessels would not materially increase our merchant marine. It certainly would not induce other vessels not subsidized to run. It is a bad precedent and practice. It is but an entering wedge for larger appropriations, as its advocates admit. It has upon it the taint of fraud.

The hand is the hand of Esau, but the voice is the voice of Jacob.

In case of war, how could we get our navy from the Atlantic to the Pacific? Foreign ships could not in time of war carry coal for our battle-ship fleet. Sufficient American vessels for this purpose do not exist.

SPEECH

OF

HON. WILLIAM E. HUMPHREY,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. HUMPHREY of Washington said:

Mr. SPEAKER: In the short time I shall speak it is impossible for me to enter into a general discussion of this subject. I shall therefore discuss briefly two propositions:

1. Our condition on the Pacific Ocean in case of war.
2. The policy of free ships.

To-day not a single American vessel goes regularly to the Philippine Islands. Our mails, our supplies, our ammunition, and even our troops are now being sent to those islands in Japanese ships.

We have a naval station at Samoa. We can communicate with that station only by foreign vessels. Within three years the number of American vessels on the Pacific has decreased from 15 to 6.

A few days ago our fleet, after encircling the globe, once more reached the home port. That trip marks an epoch in our history. In many respects it has been a great achievement. It has demonstrated the fitness of our naval vessels, the efficiency of our crews, the ability of our officers. The American people welcomed it with enthusiasm and patriotic demonstrations. It is not my purpose to criticise or to play the part of the prophet of evil, but it seems to me that it is especially fitting at this time to call to the attention of the American people some facts and to ask them this question: Of what real value is this great navy, of which we are so proud and which has cost us so much? What would it accomplish in time of war? Behind and before and with this great battle-ship fleet on its trip around the world was a great squadron of merchant vessels furnishing it with its vital force—coal.

In this collection of vessels was seen the flag of every naval power upon earth, of every nation beneath the sun that pretends to be a first-class power except the one represented by the Stars and Stripes. Without the use of these foreign ships to carry the coal, the trip of our battle-ship fleet could never have been made. Yet every one of these vessels at the very moment of a declaration of hostilities must have left our fleet where it was. Then this mighty squadron could not have proceeded on its way nor returned home. We do not have sufficient American vessels that we could have sent to its relief.

We talk of this trip of our navy as showing our power. It only demonstrated our weakness. Instead of displaying our glory, it advertised our shame. There is not a naval official nor an American citizen who has given this matter attention but feels just a little easier that our fleet is once more within the shadow of our own shores. If it ever makes this trip again, as we trust it may, let us hope that Congress, by its criminal stupidity, will not place its safety in the keeping of other nations.

As one man from the Pacific coast, I do not believe that we are threatened with war from Japan. [Applause.] Not 10 per cent of the people of the Pacific coast approve of the actions of some of the members of the legislatures of California and Nevada. Most of this agitation is the sensational mouthing of irresponsible demagogues. Everyone on the Pacific coast recognizes the fact that the coming of Japanese into this country must be regulated, controlled, and restricted. Japan herself recognizes this fact. She says she is attempting to restrict their coming into this country. We believe that she is acting in good faith. We believe that the number of Japanese in this country is less than it was a year ago. I see no cause for war. I see every reason for peace. I believe and hope that the friendship that has existed between this country and Japan from the time she first entered upon her wonderful career as a nation will endure. While I can see no indication of war, yet if, unhappily, it should come, then I want my country to be prepared. [Applause.] Those who think that Japan would not declare war if she received what she considered sufficient provocation or who think she has not the financial ability to carry on a war, have read the history of that marvelous nation to little purpose.

In what condition would we be to-day in case of war on the Pacific, with our battle-ship fleet on the Atlantic? If that war was with Japan, she could within thirty days place 250,000 troops in the Philippines, 100,000 in Hawaii. In that time we could not get 10,000 troops ready to be embarked on the Pacific coast. If we had the troops, we have no transports to carry them. If we had the transports to carry them, we would not dare attempt to take them to our island possessions, having nothing but cruisers to meet the battle ships of the Japanese. Japan has 560 vessels fit for transports. We have only 6 merchant vessels running on the Pacific and 4 or 5 old, antiquated government transports. Japan has under construction more than 50 ocean-going vessels. In all the United States there is not one, and has not been for more than six years. Japan can easily carry 200,000 troops at one time. On the Pacific we could not carry more than 10,000. We could not place 50,000 troops in the Philippines in two years. After seizing the Philippines and Hawaii, Japan could strike the Pacific coast. She could convoy with her entire squadron of battle ships a fleet of transports carrying soldiers and supplies to the very wharves of Bellingham without coming within 15 miles of one of our guns. She could then seize the great transcontinental railway lines, the cities of Bellingham, Everett, Seattle, Tacoma, and Portland. She would then possess the entire Northwest, an empire in extent and one of the most productive portions of the

earth upon which to live. We are told with great assurance that Japan would never come to the Pacific coast, but no reason for such statement has ever been discovered outside of the imaginations of those giving it.

After doing all this Japan would still have at least two months in which to ravage the Pacific coast and to prepare to meet our battle-ship fleet from the Atlantic before it could arrive. That our army would be utterly useless in such a conflict is admitted by all, except possibly to repel an attack on our Pacific coast. In such a war our only hope would be our navy now on the Atlantic. Could this squadron of battle ships come to our relief? If so, how? In time of peace it had to employ foreign ships to carry the coal before it could come from the Atlantic. In time of war this could not be done. We could not secure foreign ships for this purpose—international law and the rules of war do not permit it. A sufficient number of American ships do not exist. How is our fleet to be supplied with coal?

So I ask again this question: Of what real value is the magnificent navy except for show and parade? If war was declared to-day on the Pacific, of what real value would our navy be? How could it leave the port where a few days ago it received the homage of the American people? If you think this a sensational statement, talk with the Secretary of the Navy, talk with Admiral Dewey, talk with our naval officers, talk with those who know the facts. Yet, it would not cost annually half the sum sufficient to build a modern battle ship to supply us with an efficient auxiliary for our navy. How can we, the representatives of the American people, explain to the country our stupidity, our criminal negligence, in this matter? Ask those gentlemen who are willing to spend more than $130,000,000 annually for a navy and yet refuse to give anything for an auxiliary, the lack of which renders our magnificent navy utterly useless.

Russia and the United States are the only nations on the earth that have committed the colossal folly of building a great navy without at the same time building a merchant marine as an auxiliary from which colliers could be had and crews for the naval vessels furnished. The sunken and captured vessels of Russia tell in graphic story her irretrievable mistake. Shall it take the terrible experience of war to teach us the same lesson?

FREE SHIPS.

Every time the question of doing something to assist our merchant marine comes up for consideration in Congress some one, either through ignorance of existing conditions or in order to help foreign shipping interests, advocates what is known as "free ships." I make this statement advisedly, for no friend of American shipping who knows the facts as they exist now believes that free ships would have any tendency to build up our merchant marine. This policy of free ships, I repeat, is to-day urged only by the enemies of American shipping or by those who have not studied the question and acquainted themselves with the facts. From this conclusion there can be no escape, because the whole free-ship argument, as favored by its advocates themselves, is that if you will permit American citizens they will buy foreign-built ships and run them under the American flag in the foreign trade. Nothing can be farther from the truth. Recent events have most forcibly demonstrated this. On the Pacific Ocean the three great vessels of the Oceanic Line, although receiving a small subsidy from the Government, were discontinued. They were losing money every day. The Boston Tow Boat Company vessels were compelled to stop running. The vessels of the Boston Steamship Company were driven out of business a few weeks ago, and have been sold to the Government. Within the last few days the *Kroonland* and the *Finland*, on the Atlantic Ocean, have pulled down the Stars and Stripes and taken the flag of Belgium. Do you suppose that any of these vessels would have stopped running if it had been profitable for them to continue? Does anyone suppose that it was other than necessity that caused the *Kroonland* and *Finland* to take down the flag of a great country like ours and adopt the flag of a third-class power like Belgium? All these American vessels that have just recently been driven out of business were on regular lines. They had established business. That there was business to be done by these lines is demonstrated by the fact that each of them has been replaced by foreign lines.

Now, if the American shipowners could not run these ships which they already had, which they already owned on established lines with established business, would they buy foreign ships if given the opportunity and attempt to run them? It seems to me beyond comprehension how even the most stupid can contend that any American citizen would purchase a ship abroad, whatever the price might be, and run it at a profit, when he can not run the vessel which he already owns. If ships were given to the American owner, he could not run them. The advocates of free ships can not give the name of a single responsible man, of a single responsible firm in America that will agree to purchase a foreign ship and run it in the foreign trade under the American flag if given the opportunity; not one. No man can name a single American who owns or who has an interest in a foreign ship that if given the opportunity would place that ship under the American flag and run it in the deep-sea trade; not one. This challenge has been made publicly in every important port of the United States repeatedly during the last five years, and no man has dared deny it and no man will contradict it to-day. On the contrary, practically every shipping firm of importance in America has been asked this direct question by the Merchant Marine Commission, of which I had the honor of being a member: "If given the opportunity, would you purchase a foreign ship and run it in the foreign trade under the American flag?" And every one of them has answered "No." In view of these indisputable facts it is hard to treat with patience the attempt to revive the old theory of free ships. It can have but one effect, and that is a tendency to defeat any legislation of real advantage to our merchant marine. The theory of free ships was fathered by the foreign steamship lobby in this country, and foreign steamship interests have spent millions to promulgate it throughout this Nation. They have been so anxious to impress upon Congress this theory that they have their agents here in the Capitol advocating it to-day. This theory is so dear to foreign interests that their representatives have repeatedly had the insulting audacity to appear before the committees of Congress to urge its adoption.

Remember this, that no American shipowners and no man representing American shipping interests has ever appeared before Congress or before any of its committees and advocated free ships—not one. And no American shipowner, and no man interested in American shipping, and no man who has gven this question even superficial study that is a friend of American shipping interests to-day advocates free ships as a remedy for our present condition. This may sound like a strong statement, but it is absolutely true and is said advisedly after a careful study of this question for more than five years. If those who really believe that a free-ship policy would have any effect to change present conditions would look at the action of Congress within the last year they would be undeceived. We have practically "free ships" in this country to-day. Any reputable citizen can, without cost and without price and without difficulty, get the American flag to-day to place on any ship, wherever built, to run in the foreign trade. Every man in America interested in shipping knows this to be true. Last year a friend of mine desired to get the flag for this purpose. I introduced a bill giving it to him. It was reported unanimously by the committee, passed the House unanimously, passed the Senate unanimously, and is now a law. It was H. R. 25437, Fifty-ninth Congress, second session, and is now act 231 of that Congress. I repeat, we have practically "free ships" in this country now, as any man can get the flag for a foreign-built ship now without difficulty and without expense to run in the foreign trade. If he will not do it now, upon what theory can it be urged that he would take advantage of a free-ship law? The gentleman from Ohio [Mr. BURTON] a few minutes ago spoke in favor of the free-ship policy and advocated a change of our navigation laws. The difficulty with many who talk free ships is that they are not entirely frank. What they mean is not "free ships," but "free labor." What they mean is that they want the right to employ the cheap pauper labor of Europe and Asia in the running of our ships. The cost of the ship is but one handicap, and not by any means the greatest, under which the American ship labors. The greatest disadvantage of the American ship is the cost of operating it. This cost is from 25 to 75 per cent more than that of the foreign ship, and this additional cost is almost exactly measured by the difference in the wage scale and the bill of fare on the American ship and the foreign ship.

Do the free-ship advocates who talk so clamorously of changing our navigation laws wish to reduce the wages of the American sailor? Do they want him to have poorer food? If not, do they want his quarters reduced? If not, then, do they want American ships officered by foreigners? These changes, and these alone, are the only ones that would remedy what the free-ship advocates call our "antiquated navigation laws." But instead of coming out in the open and admitting these facts, the free-ship advocates simply devote themselves to a general denunciation of our navigation laws. Their denunciation "is full of sound and fury, signifying nothing" The other handicap of American ships, besides first cost and the cost of operation, is the subsidies paid by other nations. Even a free-ship advocate would hardly argue that this handicap can be remedied by an adoption of their theory.

But suppose by removing the restrictions now imposed by our navigation law we could place upon the ocean a great fleet of ships flying the American flag, of what benefit would it be? It would not build up a single shipyard. It would not give employment to a single American. It would not give a dollar to American labor. Being bought abroad, these vessels would of course be repaired abroad. They would employ in all things foreign cheap labor. They would be officered by foreigners trained in foreign countries; manned by half-fed sailors born in foreign lands. We would have a ship American in nothing but the gold that represented its first cost. In time of war we could not use such ships, and the men and officers we had paid and trained would probably be with the enemy. Of what use would such a fleet of vessels be? Here is a picture to arouse the enthusiasm, to appeal to American pride and patriotism. It would be just as useful to the country, and much cheaper and more creditable to us as a country, to hire foreign ships to display the American flag as a paid advertisement in the different ports of the world, in order that the people of the earth might know that it existed. But if foreign-built ships would answer every purpose for carrying our trade in peace and protecting us in war, the purchase of them would be most objectionable. The labor of America should do America's work. It is one of the highest purposes of the Government to give its work and its wages to its own. Our ships should be built in American yards by American labor and paid American wages. They should be commanded by American officers and manned by American seamen.

A few days ago my distinguished friend from Wisconsin [Mr. KÜSTERMANN] gave utterance to a remarkable misstatement of facts which he has labeled "A speech for free ships." The falsity of the arguments made in his speech is only equaled by the serene assurance with which they were uttered. He repeated them again to-day. The most astonishing thing about the gentleman's performance was that he actually seemed to believe his own statements. He said a few moments ago that he had given this question much study. With all due deference to the gentleman, one would never suspect it from reading his speech. His speech has caused an exclamation of delight from every foreign shipowner in America. Foreign shipping interests are striving to give wide publicity to the fact that a Congressman has favored "free ships," but they show a wise precaution about quoting his figures and statements. For an utter disregard for facts, for misstatements of history, for the lack of knowledge of our navigation laws, this speech certainly was a masterpiece. If any evidence was needed to convince this House or the country that my "fresh-water" friend, or rather, to be more accurate, my "no-water" friend, from the State of Wisconsin was upon unfamiliar "ground," when he talks about any matter relating to water, this speech has demonstrated it. In fact, my friend from Wisconsin would not have been more at a loss, or less familiar with the facts, or more reckless in his statements, or more absurd in his conclusions if he had made an attempt to speak in favor of prohibition. Let me advise my friend that he should be as cautious about taking to water as he is in taking water. It is hard to answer a joke, especially when it is perpetrated seriously as a sermon. A few samples of the real funny things in this speech, however, might be worthy of remembrance. For instance, he names a number of companies that he believes would place their vessels under the American flag if they could get an American register and run them in the foreign trade. It may interest the gentleman to know that these identical firms which he named had already been asked by the Merchant Marine Commission this very question, and each one of them has stated that they would not take the American flag if offered to them and place it upon their vessels and continue to run them in the deep-sea trade. This is the answer of the men who know, who own the ships, against the man who does not know. The answer of these men to this identical question can be found in the published hearings of the Merchant Marine Commission, which is easily accessible to anyone.

Again, he says that from the time of the adoption by Great Britain of the free-ship policy dates the restoration of the British flag to the command of the seas. Yet at the date Great Britain adopted the free-ship policy she commanded the seas more thoroughly than she does to-day. In years prior to that time, when America was her dangerous rival, she refused to permit her subjects to buy an American ship. When England adopted the free-ship policy she stood first in tonnage of all the nations of the world, and we stood second. She then had 5,710,000 tons, practically all in foreign trade. We had only 1,585,000 tons in the deep-sea trade. This shows how the free-ship policy placed the British flag on the seas. Britain was at the time of its adoption three times stronger than any other nation. She no longer desired to buy ships; she could afford to adopt the free-ship policy. She desired to be consistent in appearance; she had ships to sell, and not until then did she adopt the policy. The statement of the gentleman from Wisconsin as to the effect of the free-ship policy of Germany is equally erroneous. It seems to me that the gentleman should have made no mistake, especially in stating the history of Germany. Subsidies adopted under the direction of the great Bismarck are what have built up the merchant marine of Germany. Under the free-ship policy the German merchant marine increased in the eight years immediately prior to the adoption of the subsidy plan only 145,000 tons. Her shipbuilding during that period was practically dead. Under the system of subsidies as advocated and established by Bismarck her merchant marine has grown from less than 1,250,000 tons to more than 4,000,000 tons, while her shipyards are in a most prosperous condition.

Again, the gentleman says that the French merchant marine under a heavy system of subsidy is every year losing ground. This is a most amazing piece of history that will certainly astonish the people of that Republic. According to official figures, the merchant marine of France has doubled within the last twenty-five years. In 1881 France had 914,000 tons. To-day she has 1,952,000 tons. This shows her increase under subsidy. Under a free-ship policy her tonnage for the eleven years immediately prior to the adoption of the subsidy system decreased 158,000 tons. This illustrates how subsidy has destroyed and free ships built up the French merchant marine. You would have thought that the gentleman would at least occasionally have hit the facts, but not so. In not a single illustration that he gives do figures or history bear out his assertions.

Take one more case. He says that Italy under a system of subsidy is finding great trouble to hold her own even on her own ground—the Mediterranean. Here again he must have consulted the same source of information that he did in regard to England, to Germany, and to France. The merchant marine of Italy is increasing with rapid strides. It now has a tonnage of 1,340,000 tons. Not only is Italy holding her own on the Mediterranean, but recently she has established lines across the North Atlantic to this country. Italy, like every other nation on earth that has ever tried it, made a costly failure under the free-ship policy.

Just one more misstatement, for if I contradict them all I would have to contradict every material fact in his entire speech. He says that—

> Not one dollar extra, however, is paid to the British ships to and from South America. Therefore, American ships wishing to engage in commerce with the South American countries are at no disadvantage, for there are no British ships enjoying subsidies to compete with.

It is hard to find excuse for this statement. It is hard to believe that it was not intentionally misleading. It is well known to-day that our mails in order to reach South America must first go to Europe; from Europe to South American destinations; that the American merchant to-day who wishes to send an article to South America, if he wishes prompt delivery, must send it twice across the Atlantic Ocean in the same way in a foreign ship. It is also within the knowledge of everyone who has cared to inform himself that the two principal British lines to South America receive a heavy subsidy, as do all other mail subsidies under the British flag. Every British mail line is now and always has been subsidized. A little inquiry at the office of the Commissioner of Navigation would have shown the gentleman from Wisconsin how utterly without foundation are all these many statements which he has made.

Such perversion of the facts, however, are absolutely necessary to sustain an argument in favor of free ships. Of course I will not undertake to say where the gentleman from Wisconsin got his vast fund of misinformation, but his statements have a most familiar sound. They are the same that the foreign steamship combines have made in this country for many years. I have heard them repeatedly made many times before my committee and before the Merchant Marine Commission by agents of foreign steamship companies. Herr Ballin, the director-general of the Hamburg-American Company, and the head of the great combine of vessels upon the Atlantic Ocean that is preying upon our commerce between this country and Europe and between this country and South America, could not have been better pleased with the statement of the gentleman from Wisconsin [Mr. KÜSTERMANN] if he had written his speech for him. As I have stated, I have heard the statements of the gentleman from Wisconsin given many times by men representing foreign ships, but to him belongs the distinction of being the only American citizen, so far as my knowledge goes, that has ever made them.

In order to show in detail the errors, the misstatements, the total disregard of the facts, and the absurdity of his conclusion, I will insert in the RECORD an answer to the speech of the gentleman from Wisconsin [Mr. KÜSTERMANN], written by Mr. W. L. Marvin, who was the secretary of the Merchant Marine Commission, and who has as wide and as accurate information upon this question as any man in America. I will also insert an editorial from the Chicago Inter Ocean. The facts are that every nation in the world to-day that has a merchant marine worthy of the name has built it up by a system of subsidies. No nation has ever tried the free-ship policy but what it has failed. If the United States is to build up its merchant marine, she must do it in the way that every other nation has done it. She must adopt the method that every other nation has used to achieve success. We are the greatest Nation in the world; we have the greatest commerce in the world. We are the wealthiest Nation in the world. We can afford to pay the greatest subsidy of any nation of the world. It is certainly worth as much to this Nation to keep our flag upon the ocean as it is to other nations to keep it off of the ocean. And I know that I voice the sentiment of the vast majority of the American people when I say that they are willing to pay a subsidy, however great it may be, sufficient to once more place our flag upon the ocean.

The American people are willing to pay a subsidy, however great, sufficient to furnish us with a naval auxiliary and to build American ships in American yards, by American labor, to carry American commerce. [Applause.]

Mr. Marvin's statement is as follows:

On January 26 last the gentleman from Wisconsin [Mr. KÜSTERMANN] spoke in the House in advocacy of what is known as the "free-ship bill," introduced by him in the previous month and referred to the Committee on the Merchant Marine and Fisheries. The main provision of this bill was an offer of free registry under the American flag to foreign-built ships owned to a proportion of at least 60 per cent by American citizens and employed in the foreign trade of the United States.

This bill involves a departure from an old and prudent American policy, a departure which, though often advocated, has never yet been approved by Congress. It may be said in all truth and without discourtesy that for several years past when a free-ship policy has been advocated it has usually been by a gentleman from the far interior of the country and new to the business of the House.

The gentleman from Wisconsin, in advocating his bill, appealed to the example of Great Britain and Germany, saying:

"Fifty years ago the British navigation laws were as restricted as those of the United States to-day. A few years later the laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time dates the restoration of the British flag to the command of the seas.

"Some thirty years ago Germany followed the example of Great Britain and gave her citizens the right to buy ships anywhere in the world and place them under the German flag, and this continues to be Germany's policy to-day.

"It has resulted in Germany having the second largest merchant marine in the world."

Now, the gentleman from Wisconsin is very seriously and fundamentally mistaken in both of these historical statements. Great Britain owes nothing and Germany relatively little to the policy of free ships.

All through the years of the first half of the last century, when American wooden-ship building under the influence of the protection of our discriminating and tonnage taxes was at its highest fame, Great Britain refused to allow her subjects to buy the celebrated American ships. She insisted upon building her ships at home even under many disadvantages, but she did protect and encourage her ocean-carrying trade by elaborate and rigid laws, some of them dating back to the days of Cromwell.

In 1839 the British Government, despairing of success in wooden-ship building and sail-ship building as against America, resolved to create a steam merchant fleet, and sent the first subsidized steamship of the Cunard Line across the Atlantic Ocean. At that time every packet line in the Atlantic service flew the American flag. The original British Cunard subsidy of $425,000 was gradually increased to $850,000 a year, and step by step the subsidized British steamships—subsidized for carrying the mails—began to drive the American packets and clippers from the Atlantic Ocean.

Seeing her success, Great Britain granted other subsidies. She gave the Royal Mail Company $1,350,000 a year for a regular service to the West Indies and South America. She created another South American line, the Pacific Steam Navigation Company, to the west coast by the grant of another subsidy. She gave $1,200,000 a year to the Peninsular and Oriental for a line to the Far East. She granted even more subsidies and extended her steamship lines in all directions. At this period nearly every ocean steamship under the British flag was receiving the mail pay or bounty of the Government.

Steamship-building yards, engine-building yards, iron-ship building yards, under the stimulus of these lavish subsidies, were rising up all around the coasts of the United Kingdom. These subsidies, amounting to $300,000,000 in fifty or sixty years, gave Great Britain a long lead in steamship building and iron-ship building over all of her competitors. These subsidies practically killed ocean-ship building on the continent of Europe.

It was under these conditions, with the steamship coming forward, the iron ship coming forward, that the British Government in 1849 repealed that navigation law that forbade British subjects to own foreign-built vessels. It was a perfectly safe procedure, because British yards, under the fostering of subsidies, were then constructing the steamships and iron ships that everybody knew were destined to be the ocean shipping of the future. But, as a matter of fact, the powerful British insurance monopoly of Lloyds nullified this free-ship act of Parliament and did not allow it to take effect until 1854.

By that time the British mastery of steamship building and of iron-ship building was even more complete than in 1849. And in 1849 Great Britain was quite as distinctively as she is now the undisputed mistress of the ocean. The gentleman from Wisconsin apparently believes that when this British free-ship law was passed the British mercantile marine held an inferior position, for he declares that "from that time dates the restoration of the British flag to the command of the seas." The gentleman is absolutely mistaken. In 1850 there were 5,710,000 tons of shipping beneath the British flag, nearly all of it engaged in foreign commerce, while in that same year the United States, which held second place, had only 1,585,000 tons registered for foreign trade and a tonnage of 1,899,000 in the coastwise service. That is, in ocean shipping, in over-seas shipping, in 1850 Great Britain, instead of being inferior to us, exceeded us by more than 3 to 1.

The growth of British ocean shipping did not begin under a free-ship law in 1849 or in 1854, as the gentleman from Wisconsin declares. He is apparently unfamiliar with the main facts of maritime history. The growth of British shipping began centuries before under the Cromwellian navigation act, the most vigorous and merciless kind of protective enactment. When Great Britain in 1849 passed her free-ship law, she had been for two hundred years the empress of the ocean in trade as well as war, and this belated free-ship law had no more to do with that fact than the recent old-age pension acts of the British Parliament. Neither in 1849 nor afterwards did British merchants buy any considerable amount of ocean shipping abroad, except in the four years of our civil war, when many American-built ships were transferred to British colors for protection against the British-built and British-manned cruisers of the southern confederacy. At no time since 1849 has foreign competition seriously menaced British shipbuilding, fostered and developed as that has been by $300,000,000 of British mail subsidies and the enormous construction of the British navy.

From 1849 for thirty or forty years afterwards, British shipyards were so supreme in Europe, thanks to the subsidies that originally created them, that the continental governments were compelled to come to Great Britain even for their men-of-war. This was the condition of Germany in 1870, when the German Empire was founded. Then, and for a number of years afterwards, the German armor clads were British built, and even their repairs had to be made in British shipyards. Germany in those years followed a free-ship policy, not because she wished to but because she had to. Her people had to go to Great Britain for their ocean vessels, because they had no facilities for building these vessels or their own men-of-war at home. The gentleman from Wisconsin apparently regards this as an admirable policy, but it is significant that the German Government tried something else just as quickly as it could.

In 1881 Bismarck, greatest of German statesmen, came out in an eloquent declaration for a policy of subsidies and other forms of national aid to German shipping. At that time Germany had given full and faithful trial to the free-ship policy of the gentleman from Wisconsin. Under this free-ship policy German merchant tonnage had miserably languished, showing only a nominal increase from 1,098,000 in 1873 to 1,243,000 in 1881, and German shipbuilding was practically dead. Bismarck sounded a vigorous note of self-reliance. He urged that Germans should learn to build their own ships and should be encouraged to build them, and that the whole power of the Empire be exerted to increase the German mercantile marine. A great subsidy of more than a million dollars was promptly granted by the Reichstag to create the North German Lloyd Line to the East Indies. Other subsidies were given to establish German lines elsewhere. Above all, the Reichstag required that the mail-carrying ships of these new lines should be built in German yards, as far as possible of German materials. It was thus by sheer subsidy that Bismarck and his Government created the German shipyards that have built the *Deutschland* and other famous German Atlantic flyers, and are constructing the monster *Dreadnoughts* for the imperial navy. The whole power of the Imperial Government has been and is exerted in every possible way to favor and expand the great German steamship companies. The German state railways haul at nominal rates all material for German shipyards—a virtual bounty on shipbuilding—and these same state railways grant favoring rates on goods exported in German ships. Under a free-ship policy the German merchant marine, as has been said, increased only from 1,098,000 tons in 1873 to 1,243,000 tons in 1881. But under the present imperial policy of subsidy to some lines, bounty and assistance to shipyards, discriminating rail rates on exports by German ships and imperial aid in many other ways too numerous and complex to be noted here, the German mercantile marine, one of the most elaborately protected industries in the world, has grown to a tonnage of upward of 4,000,000. For many years the North German Lloyd has built no ships abroad, and a few months ago it was announced that the other great German company, the Hamburg-American, was no longer dependent upon foreign shipyards. To hold up Germany as an example of the benefits of a free-ship policy is a good deal like exalting America as an example in foreign commerce of the ancient Democratic policy of free trade.

German statesmen know far better than the gentleman from Wisconsin what maritime policy is wisest and most effective. Just about the time that the gentleman was delivering his free-ship speech in the American Congress the Reichstag was granting still another large subsidy, given exclusively to German-built ships, to extend the trade and influence of the Empire among the islands of the Pacific Ocean, where American ships and American trade were once supreme.

Manifestly, the gentleman from Wisconsin has been very seriously misled by those on whom he has depended for his information in regard to the maritime policies of Europe. He is fundamentally wrong, not only as to Great Britain and Germany, but as to France and Italy, for he says:

"The only two European countries that pay a subvention to their mail ships far in excess of a fair remuneration for services rendered are France and Italy.

"The French merchant marine, in spite of its subsidies, is losing ground every year, and the subsidized Italian lines find great difficulty in even holding their own on the Mediterranean, their own ground, in competition with nonsubsidized German ships."

The gentleman from Wisconsin has been grievously imposed on by his informant. What he is made to say here is the very reverse of the actual facts. Instead of "losing ground every year," the French merchant marine is rapidly advancing. Its tonnage has increased from 914,000 tons in 1881 to 1,952,000 in 1908, or more than doubled. At the same time the merchant marine of Italy has been making enormous strides, reaching last year a tonnage of 1,340,000. Not only do Italian ships hold their own and more in the Mediterranean, but within two years two new and excellent Italian steamship services have been established across the north Atlantic to the port of New York.

Both France and Italy, like Germany, long depended on a free-ship policy—the policy advocated for the United States by the gentleman from Wisconsin. What was the result? The French merchant marine under free ships alone actually fell off from 1,072,000 in 1870 to 914,000 tons in 1881, when the present French subsidy system was adopted. Italy had the same experience, her merchant tonnage stand-

ing at only 860,000 in 1894. Free ships practically killed merchant-ship building in both France and Italy, and at the same time smothered the natural increase of the merchant marine. These are facts of historical record, set forth year by year in the annual reports of the United States Commissioner of Navigation and in the reports of every government of Europe. It is difficult to understand how facts like these have been kept from the knowledge of the gentleman from Wisconsin.

The policy of free ships which he is advocating is a policy that, tried by itself alone, has everywhere failed, while everywhere that it has been tried the policy of subsidy or subvention has succeeded. Take, for example, the experience of Japan. She tried free ships persistently, with the result that as late as 1894 she had only 200,000 tons of ocean shipping, and was practically unable to build any vessels more ambitious than an ancient junk. Then Japan, disheartened by the free-ship policy, began to give subsidies to her ocean ships and bounties to develop native shipyards, with the result that Japan has now created a magnificent merchant marine of 1,242,000 tons, the largest and best ships of which are of Japanese construction. In advocating the antiquated and delusive policy of free ships the gentleman from Wisconsin is facing backward toward the night and not forward toward the morning.

The gentleman is very seriously wrong in his declaration that "the American shipbuilding industry would not suffer by allowing American registry of ships in the foreign trade built or purchased in foreign countries." American shipbuilding would suffer, and would presently be destroyed, so that we should be without facilities to construct in this country the battle ships needed to defend our flag against foreign aggression. Does the gentleman from Wisconsin know that all but one of the present first-class battle ships of the United States were built in the private shipyards of America, only one of our naval stations having the machinery to undertake this work? The relatively small demands of the coastwise service will not keep alive the great and costly shipyards requisite for the construction of *Dreadnoughts;* and of these great ships we are authorizing only two a year, not enough in themselves to give the shipyards adequate employment. Our American shipyards have constructed not only the best battle ships in the world, but the best mail liners and naval auxiliaries, running on the route to Europe, to the West Indies, and Mexico under the ocean mail law of 1891, of which the pending ocean mail bill is an amendment. Under our law as it now stands these mail liners, these naval auxiliaries, one and all must be American built. Under the policy proposed by the gentleman from Wisconsin every one of them would be built in Europe or Japan, and built there not because materials are costlier here, for all materials for such ships for foreign trade are on our free list, but simply because a skilled mechanic is compelled to work in Great Britain or Germany for about one-half and in Japan for about one-third of the wages of an American mechanic. A free-ship policy like that championed by the gentleman from Wisconsin would strike a terrible blow at American labor; and worse than that, by destroying our greatest ocean shipyards, would rob our Nation of the essential resources of defense. The free-ship policy of the gentleman from Wisconsin goes much further in the direction of free trade than any policy that has even been tried by the German Empire, further even than the policy of free-trade England herself.

"Our American law requires rightfully that American mail ships of our national line, built under the inspection of our Navy Department for auxiliary naval use in war, shall be built in American shipyards by American mechanics. That also is the law of Germany in regard to the mail ships of her imperial subsidized lines, resembling the lines which the ocean mail bill now pending before this House would establish from our ports to South America and across the Pacific Ocean. This is also the policy of the British Government, which has stipulated in its recent mail contracts that mail-carrying British ships shall be 'built in the United Kingdom.' Here is another fact of large significance which is apparently unknown to the gentleman from Wisconsin.

"It is difficult to understand his attitude; difficult to understand his assertion that the mail ships of this country are already overpaid by the United States. He cites the fact that the ships of the fast American line to Europe receive $1.60 per pound for carrying the mails, while our Government pays the German steamers 44 cents. But does not the gentleman know that neither the German Government nor the British Government will pay our fast American mail ships a single penny if it can be prevented, and that our American ships in trans-Atlantic commerce are virtually without any revenue whatever from the European mails? The gentleman from Wisconsin goes a very long way, a very long way indeed, to make out a case against the ships of his own flag, the ships of his own country. In nearly every specific statement of his speech he is most surprisingly wrong. He declares, for instance:

"Not one dollar extra, however, is paid to the British ships to and from South America. Therefore American ships wishing to engage in commerce with the South American countries are at no disadvantage, for there are no British ships enjoying subsidies to compete with."

The fact is that the 2 principal British mail lines to South America, like the rest of the 30 British mail lines to all parts of the world, are and always have been generously subsidized. The Royal Mail Company, as has been stated, was created in 1840 with a subsidy of $1,350,000 a year. This subsidy has of recent years been reduced as the line became firmly established in its service, exactly as our American protective duty on steel rails has been reduced from $28 to less than $8 a ton as the industry became firmly established in this country. But the British mail lines to South America, with which American lines will have to compete, are still adequately supported out of the imperial treasury and backed by all the powers of influence of the British Government. But these British mail lines run direct to South America from British ports. No ships comparable with them under the British or any other flag run from our ports to South America. The purpose of the present ocean mail bill is to carry the United States mails on routes where no adequate facilities exist and where no first-class steamship service can be maintained without sufficient mail compensation from the Government. This bill applies to the long and costly routes, more than 4,000 miles in length, to South America and the great countries beyond the Pacific Ocean. The conditions are exactly similar to those which confronted Germany when Bismarck, in 1881, advocated and secured a great subsidy, now $1,340,000 a year, to enable the North German Lloyd to create an imperial German mail steamship service to the East Indies and Australia. Cost and all other conditions considered, these German ships receive a higher rate of mail pay than the maximum of $4 per mile proposed for 16-knot vessels in the pending bill. The gentleman from Wisconsin insists that the German mail rates are no more than adequate—and in the same speech he contends that American proposed rates of less than the German rates are excessive. Is the gentleman for his own country or against it?

And what is true of our proposed American mail lines to South America is true of the proposed lines across the Pacific Ocean. The rates of compensation in the pending bill are slightly more than the rates paid to British trans-Pacific steamers by their Government, but considerably less than the rates paid by the Government of Japan to the Japanese steamship lines, whose avowed purpose is to make the American flag a stranger on the Pacific Ocean.

Finally, there is another point in which the gentleman from Wisconsin has manifestly spoken without sufficient information. He presents a list of foreign-built steamships in which American citizens have a partial ownership, apparently believing that if his free-ship plan were adopted these foreign-built vessels would be brought under the American flag. The gentleman apparently does not know that a very few years ago a commission of Congress, the Merchant Marine Commission, made up of five Senators and five Representatives, members of both political parties, conducted a long and patient investigation into the condition of American shipping in the foreign trade. This commission put the question squarely to the very companies and firms named by the gentleman from Wisconsin as owning foreign-built ships whether they would bring their foreign-built ships beneath our flag if a free-ship law were recommended to and passed by Congress.

Of all these concerns only one in its response to the inquiry of the commission expressed even a qualified willingness to put its foreign ships under the American flag. Mr. John A. Donald, of New York, described in the list of the gentleman from Wisconsin as operating three small steamers under Norwegian colors, said in specific answer to the inquiry of the commission, "Whether you would, if so authorized by Congress, transfer your foreign-built ships to American registry to engage exclusively in the foreign trade, but to remain without subsidy, differential duty, or any other government encouragement?"

"I beg to state on my own behalf as official president of this company, without consulting my directors, that I would not feel inclined to transfer our foreign-built ships to American registry without some inducement for doing so."

Mr. Donald added in his letter that he thought that a free-ship policy might be of some help in developing the merchant marine, but it is significant that he answered "No" to the specific question.

The same reply was returned by every other firm or company, without exception. Thus the gentleman from Wisconsin names in his list of American ownership under foreign flags the Leyland, Red Star, and International Navigation companies. The American vice-president of these companies, now combined in the International Mercantile Marine, Mr. P. A. S. Franklin, of New York City, declared, in answering the commission:

"We could not afford to transfer any of our foreign-built ships to American register, as the increased cost of operating steamers under the American flag compared with the ships under foreign flags in the same trade would be too great to warrant the transfer."

The Leyland Line owns 44 British steamers, of 277,379 tons, and the Red Star and International companies 15 Belgian and British steamers, of 100,219 tons.

The Atlantic Transport Line is named by the gentleman from Wisconsin in his list as operating under British colors 17 steamers, of 123,593 tons. Mr. B. N. Baker, of Baltimore, to the inquiry of the Merchant Marine Commission whether he would put these ships under the American flag if a free-ship law was passed, answered with a simple and emphatic "No."

The Standard Oil Company is mentioned as owning 14 steamers, of 50,296 tons, under British and German flags. Mr. Philip Ruprecht, agent of this company (its shipholding company is the Anglo-American Oil), replied, like Mr. Baker, with an unqualified "No" to the inquiry of the commission.

Another American concern included in the list of the gentleman from Wisconsin is the North Atlantic Steamship Company, represented by C. & J. Hogan, of New York, operating under British colors 11 steamers, of 41,441 tons. This firm also answered in the negative, as did William R. Grace & Co., of New York, operating 9 British steamships, of 20,758 tons, and the Chesapeake and Ohio Steamship Company, operating 6 British steamers, of 20,277 tons. No formal reply was received from the United Fruit Company, of Boston, operating 5 foreign steamers, of 5,913 tons; but an informal answer was given verbally by the company's officers that they would not dream for a moment of transferring their foreign-built steamers to the American flag for the foreign trade, and that a free-ship law would be entirely ineffective so far as they were concerned.

The facts in the case will be found set forth on pages 70 to 73 of the report of the Merchant Marine Commission in 1905.

As foreign ships these vessels enjoy the low rates of foreign wages, the low cost of foreign maintenance, the protection of powerful foreign navies, and in some cases the advantage of foreign subsidies besides. For these reasons the owners find it profitable to keep their foreign-built ships under foreign flags, and they would keep them there if Congress adopted to the letter the free-ship suggestion of the gentleman from Wisconsin. He is following a will-o'-the-wisp in following a free-ship policy for the upbuilding of the American merchant marine.

A signal proof of this has just developed in the transfer from American to Belgian registry of two of the largest of American-built trans-Atlantic steamships, the *Finland* and *Kroonland* of the Red Star Line, plying between Antwerp and New York. These are not mail-carrying vessels; they are not operated under the law of 1891; they receive no subsidy from our Government. They are not compelled to carry American crews, except only their leading officers; but they are bound by act of Congress to provide a reasonable food scale for their officers and men and to have roomy and comfortable forecastles. These requirements are not made of competing ships under foreign flags, and for that reason the International Mercantile Marine Company, owning these two ships, has quietly transferred them to foreign colors, thereby saving some money in salaries of the officers and in the feeding and housing of the crews. This episode is sharp proof of the utter futility of the free-ship policy advocated by the gentleman from Wisconsin. If the few American ships we have are being transferred to foreign flags, what possible inducement would a free-ship law give to foreign ships to hoist the American flag, unless, indeed, they were eligible to carry our mails or engage in our protected coastwise service?

[From Chicago Inter Ocean, February 15, 1909.]

SUBSIDIES AND OUR MERCHANT FLEET.

"I have, after careful study," says the Hon. GUSTAV KÜSTERMANN, of Wisconsin, in a recent speech in the Lower House of Congress, "thought up a plan that will build up our merchant marine and eventually give us American ships in which to carry our mail to foreign countries."

After reading this naïve admission that he has solved one of our most difficult national problems, one turns over the leaves of Mr. KÜSTERMANN'S speech in feverish haste to find how he did it. It is needless to describe one's disappointment on discovering merely the old proposal to repeal the navigation laws which forbid American registry to foreign-built ships.

According to the Hon. GUSTAV KÜSTERMANN, this is the way all merchant marines have become great—by repealing navigation restrictions. He says, for instance:

"Fifty years ago the British navigation laws were as restrictive as those of the United States to-day. A few years later the laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time dates the restoration of the British flag to the command of the seas."

It is true that Great Britain did repeal her navigation laws, as stated. But it is equally true that the permission to Britishers to buy their ships anywhere meant absolutely nothing; it was simply the removal of a superfluous statute. The age of steel ships had come, and Great Britain had the facilities for producing them better and cheaper than any other country. These facilities, supplemented by subsidies, caused the British merchant marine to outstrip the world. The gracious permission to the Britisher to buy ships anywhere else, when he could get them more cheaply at home, could hardly have stimulated its growth.

The Wisconsin statesman further remarks:

"Some thirty years ago Germany followed the example of Great Britain and gave her citizens the right to buy ships anywhere in the world and place them under the German flag, and this continues to be Germany's policy to-day. It has resulted in Germany having the second largest merchant marine in the world."

Thirty years ago the German steel industry was in its infancy, and if Germany wanted a merchant marine of steel ships in a hurry she naturally had to make some concessions. But now that her steel is rivaling England, the repeal of old restrictions is without significance. The German merchant marine is still encouraged by the policy which created it—the policy of granting government subsidies.

The assumption that permission to Americans to buy foreign ships and fly over them the American flag would settle the entire question naturally causes the Wisconsin Representative to attack the idea of subsidies. He denies that they are of much aid to steamship lines after all. Here is a sample of his argument:

"That the subsidies paid by the German Government * * * do not particularly add to the success of the steamship lines is seen from the fact that the North German Lloyd, which, on account of its line to the Far East, enjoys the greatest subsidy, declared in 1907 to their stockholders a dividend of only 4 per cent, while the Hamburg-American Line, which practically receives no subsidies, paid 7 per cent during the same period."

To an unprejudiced mind it would seem that if the North German Lloyd with the largest subsidy was able to pay only 4 per cent, the subsidy, in all probability, meant the difference between the failure and success of the line. The fact that another "practically" unsubsidized line paid 7 per cent does not alter the situation in the least. It simply illustrates the fact that subsidies may not be uniform, but must be determined with reference to all the business conditions surrounding each enterprise.

He attempts to prove his argument by saying that "the French merchant marine, in spite of its subsidies, is losing ground every year." To which the answer is that subsidies are not everything; there must be aptness and efficiency in the management and execution of the enterprise also. The French merchant marine, like the French navy, has never had the sure foundation of a national disposition toward sea adventure. Moreovre, the export trade of France deals largely in objects of luxury, is comparatively small in bulk, and probably unremunerative as freight. This is a distinct handicap.

All of which leaves us with the old and well-understood fact staring us in the face—though the Hon. GUSTAV KÜSTERMANN declines to see it—that the problem of an American merchant marine is to be solved only by dealing with at least three factors of expense instead of one—the added cost of production of ships built in America, the added cost of labor to man the ships, and the amount of money required to counterbalance the subsidies which great European nations still give their important lines.

The first could be treated, as Mr. KÜSTERMANN suggests, by permitting Americans to buy ships elsewhere and register them under the American flag; but this would sound the death knell of any revival of shipbuilding in this country. The second could be treated by granting permission to employ entirely foreign crews; but this would not only banish the hope of training American sailors in foreign trade for the Nation's needs, but it would actually result in presenting foreign nations, our possible enemies in war, with a valuable corps of men.

The third could only be treated by the Government's furnishing a sum of money at least equal to that given by foreign nations to lines likely to compete with our own. So, when all is said, we find a subsidy of some sort is necessary. Even if we are willing to sacrifice the future of American shipbuilding and the hope of American sailors in foreign seas, we must have subsidies.

The country will eventually come around to this point. We should not be surprised if even the Hon. GUSTAV KÜSTERMANN, after some more "careful study," should find himself persuaded that this is about the only way in which the country can rehabilitate the American merchant marine.

Mate William Jenney.

SPEECH

OF

HON. HIRAM R. BURTON,

OF DELAWARE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1909,

On the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. BURTON of Delaware said:

Mr. SPEAKER: On February 13, 1908, I introduced a bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other mates who had been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Said bill reads as follows:

A bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

The necessity for this bill grew out of the attitude of the Bureau of Navigation, Navy Department, as set forth in a letter dated January 9, 1907, and addressed to Mate Thomas W. Bonsall, U. S. Navy, retired, in which the bureau stated as follows:

The bureau regrets that those mates on the retired list who served as such during the civil war are not entitled to the benefits of the act of Congress approved June 29, 1906.

And to the position of the Navy Department, as stated in a letter, dated July 10, 1907, and addressed to Hon. THOMAS S. BUTLER, in which the department said:

The department concurs with the Bureau of Navigation in its conclusion that it is without power to advance mates to a higher grade under the provisions of the statutes cited.

These mates had employed a prominent law firm in Washington, experienced in naval matters, concerning their claim for increase in rank and pay on the retired list.

But this law firm, after fully considering the matter, informed Mate Jenney and his fellow-officers that it did not believe they were entitled to increased rank and pay under any act of Congress.

The matter rested in this shape until it was brought to the attention of Mr. Clarence W. DeKnight, a lawyer of this city, who advised Mate Jenney and others that, in his opinion, they were entitled.

Accordingly these mates employed Mr. DeKnight in support of their contention. He took the matter up with the Navy Department, which again adhered to its position that these mates were not entitled. Furthermore, the department refused to refer the matter to the Attorney-General for opinion, on the ground that the department entertained no doubt that it was correct in its position, and that it was only where the department entertained a doubt that it felt called upon to request the Attorney-General for an opinion. The act in regard to requesting opinions of the Attorney-General is as follows:

The head of an executive department may require the opinion of the Attorney-General on any questions of law arising in the administration of his department. (Sec. 356, Rev. Stats.)

After considerable effort on the part of Mr. DeKnight, the Secretary of the Navy, acting on the request of Hon. THOMAS S. BUTLER, contained in a letter dated June 12, 1907, was induced to entertain a doubt as to the position of the department in relation to the status of these mates, and the matter was on October 1, 1908, referred to the Attorney-General, with request for an opinion.

When it reached the Attorney-General's office, Mr. DeKnight made an extended argument in the matter, with the result that the Attorney-General sustained Mr. DeKnight's position and rendered an opinoin on October 15, 1907 (26 Op., 434), which appears later on in my remarks.

In accordance with this opinion, Mates William W. Beck, William Boyd, John Griffin, Joseph Hill, Silas T. C. Smith, Frank Holler, and Robert Robinson were nominated to and confirmed by the Senate as mates on the retired list with the rank and pay of the lowest grade of warrant officers. (See CONGRESSIONAL RECORD, 60th Cong., 1st sess., pp. 256, 354, 1031.)

It was not necessary that Mate William Jenney should be nominated and confirmed, for the reason that he was given the rank and pay of the next higher grade under the provisions of section 11 of the act of March 3, 1899 (30 Stat., 1007).

But notwithstanding this advancement, the comptroller held that these mates were not entitled to the pay of the next higher grade, evidently intended by the act. Hence, at the request of Mr. DeKnight, I introduced the bill already quoted.

The nomination and confirmation of these mates is the first in history where an officer not holding a commission in the navy was nominated by the President and confirmed by the Senate to have the rank and pay of an officer in the navy not holding a commission and whose appointment to such grade is not required to be confirmed by the Senate.

However, it was clearly shown in the brief of Mr. DeKnight, as submitted to the Attorney-General, that the words "by and with the advice and consent of the Senate," as contained in the act of June 29, 1906, did not preclude these mates.

On this subject Mr. DeKnight contended as follows:

The words "by and with the advice and consent of the Senate" can not be construed as barring these mates. These words are copied into the act of June 29, 1906, from the Constitution of the United States, which requires that a person appointed to an office, within the meaning of the Constitution, or an officer receiving a promotion to a higher grade shall receive the same only "by and with the advice and consent of the Senate." No officer takes a new grade under the act of June 29, 1906, and it was therefore entirely unnecessary that he should be nominated to the Senate and be confirmed by that body to meet any constitutional requirement. Hence it follows that this requirement is merely statutory and arbitrary. The name of this officer, a mate, is to be sent to the Senate merely as a statutory and not as a constitutional requirement; that is to say, under the requirement of this act of June 29, 1906, merely because Congress had seen fit to so enact.

This is an arbitrary requirement, but it is in keeping with other such arbitrary requirements on the part of Congress.

By way of illustration: Congress has arbitrarily required that the mere increase in pay of an officer on the retired list from furlough pay to half pay, shall be "by and with the advice and consent of the Senate," when it could have been accomplished by giving authority to the President, or the Secretary of the Navy, in his discretion, to grant such increase.

Section 1594, Revised Statutes, reads:

"The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired pay list."

The increase contemplated by the section does not constitute a new grade or office, and the consent of the Senate was merely statutory and arbitrary.

Under the provisions of section 1594, Revised Statutes, supra, Assistant Engineer Henry E. Rhodes, U. S. Navy, retired, was on April 25, 1879, transferred by the President to the retired-pay list "by and with the advice and consent of the Senate," while by the act approved June 26, 1906, he was transferred from the half-pay list to the 75-per cent list of retired officers not by the President, not "by and with the advice and consent of the Senate," but merely by the Secretary of the Navy. The act for his transfer reads as follows:

"Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to transfer Assistant Engineer Henry E. Rhodes upon the retired list of the United States Navy, from the half-pay list to the 75-per cent-pay list of retired officers under section 1589 of the Revised Statutes of the United States, to take effect from the date of his retirement."

The foregoing shows conclusively that it is not a departure from the arbitrary requirements of Congress to require that the name of officers shall be sent to the Senate when unnecessary as a constitutional requirement.

This bill which I introduced was referred to the Committee on Naval Affairs, and on March 6, 1908, was reported favorably from that committee by Mr. ELLIS of Oregon, the report being as follows:

[House Report No. 1178, Sixtieth Congress first session.]

WILLIAM JENNEY AND EIGHT OTHER RETIRED MATES OF NAVY.

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, submitted the following report, to accompany H. R. 17059:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

Section 11 of the act of March 3, 1899 (30 Stat. L., 1007), provides:

"That any officer of the navy with a creditable record who served during civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

The Comptroller of the Treasury in his construction of these statutes held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's views with reference to a bill (H. R. 17059) "For the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation.

The bill was reached on the calendar of the House on March 7, 1908, when it was discussed and went over because of the objection of Mr. MANN.

The debate which occurred at that time is as follows:

MATE WILLIAM JENNEY, U. S. NAVY, AND OTHERS, RETIRED.

The next business was the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

The bill was read, as follows:

"Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps in computing their pay on the retired list from the date of their advancement under the provisions of said acts."

Mr. MANN. Mr. Speaker, reserving the right to object, I think there ought to be a pretty full explanation of this bill from the Naval Committee.

Mr. BURTON of Delaware. Mr. Speaker, it seems that this legislation is necessary in order to set aside an arbitrary decision of the Comptroller of the Treasury that really seems to be contrary to the act of March 3, 1899. That act provides that any officer of the navy with a creditable record who served during the civil war shall, when retired, be retired with the rank and three-fourths of the sea pay of the next higher grade. That seems to me to be mandatory. Yet the Comptroller of the Treasury decided that they were to receive only the smallest pay.

Mr. MANN. Is the gentleman able to say how many men have been retired in the navy and the army who are subject to the same ruling of the comptroller?

Mr. BURTON of Delaware. In this service there were twenty-eight originally——

Mr. MANN. Does the gentleman mean in this service or in this class?

Mr. BURTON of Delaware. The others have all got it, except eight men.

Mr. MANN. No one has got it under the original law, under this decision of the comptroller. Mates are not the only men on the retired list of the navy, as I understand it, under this law, and this decision of the comptroller was not made as to this mate or these particular mates. It was a general ruling. Now, is the gentleman able to tell us how many men on the retired list of the navy and the army are affected by the same decision of the comptroller?

Mr. BURTON of Delaware. I am not able to answer that question, but the passage of this act will grant relief to the eight men who are now living.

Mr. MANN. Or nine, to be more accurate; one and eight others make nine, I believe, if my arithmetic is correct. But the gentleman proposes to take a decision of the comptroller and wipe it out as to nine men. My opinion is that it more likely applies to 900.

Mr. BURTON of Delaware. I do not think so. Has the gentleman's attention been called to a letter of the Secretary of the Navy on this subject?

Mr. MANN. I have read the report.

Mr. BURTON of Delaware. You will find that in the report, which I ask the Clerk to read.

Mr. HOLLIDAY. Pending that, I should like to ask the gentleman what is the purpose of this bill?

Mr. BURTON of Delaware. The report will give the gentleman the purpose.

The Clerk read as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

"It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869; and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

"Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

"Section 11 of the act of March 3, 1899 (30 Stat. L., 1007), provides:

"'That any officer of the navy, with a creditable record, who served during the civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.'

"On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

"The Comptroller of the Treasury, in his construction of these statutes, held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

"Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

"In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's view with reference to a bill (H. R. 17059) "for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

"In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation."

Mr. HOLLIDAY. Mr. Speaker, I take it the purpose of this bill is to increase the pay that these men get on the retired list. Does the gentleman know how much they are getting now?

Mr. BURTON of Delaware. Nine hundred dollars.

Mr. HOLLIDAY. Nine hundred a year?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. Are they officers or enlisted men?

Mr. BURTON of Delaware. I understand they were all officers, and one of them is as much as 80 years old.

Mr. HOLLIDAY. How much will their retired pay be increased if the bill passes?

Mr. BURTON of Delaware. As I understand, their pay will be three-fourths of $1,800 a year. That was their sea pay for the length of service rendered, and, as I understand this act, it would give them three-fourths of their sea pay.

Mr. BUTLER. It is just to equalize it as to the officers of the army and the navy.

Mr. BURTON of Delaware. Yes; that is the object of the bill.

Mr. HOLLIDAY. They served in the navy until they came to their retirement?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. And this simply puts them on a par with other officers who had similar service?

Mr. BURTON of Delaware. That is all.

Mr. ELLIS of Oregon. Mr. Speaker, this bill, as I understand it, is to correct what was obviously intended to be done by statute. The statute of 1899 is mandatory in character and says that this shall be done.

A subsequent statute, passed in 1905, had the same end in view, but by a holding of the comptroller when this matter came up for consideration these nine men were excluded from the provisions of those acts; they were old soldiers who had served through the war, and by virtue of their retirement coming at a particular time the comptroller held that they were excluded, and they are not receiving the benefit that others of their class are receiving. I think there are only nine—this man and eight others. They served with distinction through the war, and the statute intended to give them the benefit that it gave the other officers of like character. They gave them the advance in rank, but no corresponding advance in pay, as was intended by the act, for the reason that the comptroller held that they did not come within the act. The committee, after investigating it and examining the report of the comptroller, reached the conclusion that such a holding worked a great injustice. The report is unanimous, and is backed by a letter from the Secretary of the Navy, who says that the legislation referred to was obviously intended to benefit these men, but under the ruling they are excluded, and we only desire to correct that oversight or inequality existing under that ruling and to put these men in a position to receive what it was intended they should have.

Mr. MANN. Will the gentleman yield?

Mr. ELLIS of Oregon. I am speaking in the time of the gentleman from Delaware.

Mr. BURTON of Delaware. I will yield to the gentleman.

Mr. MANN. Just what will be accomplished by this bill?

Mr. ELLIS of Oregon. Under the statute at the present time these men are getting three-fourths of the pay which the comptroller held they should receive—that is, three-fourths of $1,200. Under the bill, if it becomes a law, they will get three-quarters of the pay of the rank which they retired on, which would be three-fourths of $1,800.

Mr. MANN. They were mates; they were retired with the rank and pay of what grade, warrant officers?

Mr. ELLIS of Oregon. Yes.

Mr. MANN. What is the pay of warrant officers?

Mr. ELLIS of Oregon. Eighteen hundred dollars.

Mr. MANN. Is that the lowest pay of a warrant officer?

Mr. ELLIS of Oregon. The lowest pay of the class in which they were placed.

Mr. MANN. What is the class in which they were placed? What is the lowest pay of a warrant officer? The gentleman says $1,800.

Mr. ELLIS of Oregon. Twelve hundred dollars is the lowest.

Mr. MANN. That is what I thought. That is what the law provides for, and that is what they are getting.

Mr. ELLIS of Oregon. Their rank was above that.

Mr. MANN. What does the gentleman mean by saying that "their rank was above that?" Does the gentleman mean that their rank would have been above that if they had served as warrant officers twenty or thirty years? This bill apparently proposes to give to these officers the rank and retired pay of a warrant officer if they had served as warrant officers for a great many years, which they never served at all.

Mr. BURTON of Delaware. But they did.

Mr. MANN. I beg the gentleman's pardon, they were never warrant officers. They never had the rank or pay of warrant officers until retired.

Mr. BURTON of Delaware. The act clearly says "shall when retired be retired with the rank and three-quarters pay of the next higher grade."

Mr. MANN. They were retired with that rank, but never served with that rank.

Mr. ELLIS of Oregon. Because they reached the retiring age.

Mr. MANN. They were mates; that is what the bill shows. They reached the age of retirement, and thereupon they were retired with the rank of warrant officers, but they had never served as warrant officers. Now, the proposition is not only to give them that advantage, but to give them the additional advantage of having served as warrant officers for many years. The same case arises in the army. We have had the same proposition in other committees of the House.

Mr. BURTON of Delaware. I want the gentleman to understand that I have no special interest in this bill. This is simply a matter of justice to the men.

Mr. MANN. I understand that.

Mr. BURTON of Delaware. I believe these men have done good service, and they are entitled to more than three-quarters of $1,200 pay.

Mr. MANN. They are now getting $75 a month, which would be considered an extremely large pension to any enlisted man in the army or in the navy.

Mr. HOLLIDAY. I would like to ask the gentleman another question. How long did these men serve after they went into the navy?

Mr. BURTON of Delaware. In the case of Mr. Jenney, this report shows that he was enlisted March 19, 1861, and was given notice of his retirement on September 14, 1899. Now, he was discharged in 1866, and then reenlisted, and was retired in 1899. That shows a long service.

Mr. HOLLIDAY. I am not inclined to be captious about that, but the Committee on Military Affairs is fairly flooded with applications to increase the pay of men on the retired list—that is, to give them a higher rating—and it is sometimes complained to us that the Naval Committee is much more liberal than the Committee on Military Affairs. I shall not object, however.

Mr. ELLIS of Oregon. Mr. Speaker, it will be found by reference to this act of March 3, 1899, known as the "personnel act," which is mandatory, that any officer of the navy with a creditable record shall, when retired, be retired with the rank and three-quarters of the sea pay of the next higher grade. On September 14, 1899, the same year this act was passed, Mr. Jenney was retired by the Secretary of the Navy in accordance with the provisions of law, but under the holding of the comptroller he could not have this pay which the personnel act, in express terms, said he should have. He was not retired until after the passage of that act giving him the right to that pay, and then under that ruling he could not receive the pay.

Mr. MANN. I do not understand the gentleman is correct in his statement of the facts. I understand these officers had received and have received from the date of their retirement three-quarters of the sea pay of the next higher grade than mates. They were mates, and they have received three-quarters of the sea pay of a warrant officer, which is $100 a month. Now, the gentleman proposes not only to give them an increase of pay more than is provided by the act, but to date that back to 1899. There has not been such a bill reported into this House from any other committee of the House. The Committee on Military Affairs has constantly, as I am informed, turned down these bills. The committee of which I have the honor to be one of the members has refused to recommend the passage of such a bill, and I do not believe that it receives, in the hurry of making up an appropriation bill, that due consideration which the Committee on Naval Affairs usually gives to everything which comes before it.

Mr. BURTON of Delaware. Does not the gentleman understand that these officers were getting $900 before the passage of this act?

Mr. MANN. Oh, I presume very likely. I presume they were getting $1,200.

Mr. WEEKS. I would like to ask the gentleman from Oregon a question: Are there not certain retired rear-admirals who bear the same relation to other admirals retired since the personnel act that these mates do to other mates retired since the personnel act, and is there not a bill pending in the Naval Committee for their relief at this time?

Mr. ELLIS of Oregon. I am not certain, but I think there is. I did not quite catch the question of the gentleman.

Mr. WEEKS. Are there not certain retired rear-admirals who were retired before the passage of the personnel act who bear the same relation to those retired since the personnel act that these mates do to mates who have been retired since the personnel act?

Mr. BUTLER. Yes; and, if I recollect correctly, I believe that bill was ordered yesterday to be reported favorably.

Mr. WEEKS. The case is exactly the same, is it not?

Mr. BUTLER. Yes. There are a few of these mates that have not been provided for under the personnel act of 1899, and the reason for that is stated in this report from the department. The bill referred to by the gentleman, I believe, was ordered yesterday to be reported favorably.

Mr. WEEKS. The fact is that any mate retired since the personnel act is receiving three-quarters of $1,800.

Mr. BUTLER. Yes.

Mr. WEEKS. And these mates who were retired before the passage of the act are receiving three-quarters of $1,200, and their civil-war service was the same.

Mr. BUTLER. Their civil-war service was the same, and the personnel act of 1899, section 11, directs that they shall receive three-quarters of the sea pay of one grade above that at which they were retired.

Mr. BURTON of Delaware. Mr. Speaker, I believe this to be a just and fair measure. These mates are entitled to the advance asked for, and I hope the gentleman from Illinois [Mr. MANN] will not object.

Mr. LAWRENCE. As I understand it, the law provides that an officer going upon the retired list shall be retired at three-quarters pay of the rank above that which he holds at the time of the retirement where he had civil-war service.

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. These parties for whose relief this bill is proposed were not, as a matter of fact, retired at the next grade above that which they held at the time of the retirement.

Mr. BURTON of Delaware. No; they were not.

Mr. LAWRENCE. And so you seek simply to place them upon a par with mates who would to-day be retired?

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. And who would receive three-quarters of $1,800?

Mr. BURTON of Delaware. To $1,800.

Mr. LAWRENCE. So all you seek to do for these nine men is to place them on a par with other men of equal grade.

Mr. MANN. Is it the intent of the committee, of which the gentleman is a distinguished member, to bring into the House from time to time bills to equalize the pay of all officers and enlisted men who were placed on the retired list, every time an advance in pay is made; that the officers already on the retired list shall have the benefit of the increase of pay so as to equalize their salaries?

Mr. BURTON of Delaware. This only applies to civil-war veterans.

Mr. MANN. Oh, but the gentleman talks about equalizing pay and putting men on the same plane. Now, we passed an item for the increased pay of the enlisted men of the army the other day. If I remember rightly, the Military Affairs Committee, in reporting that proposition, were very careful that the increase in pay should not apply to men already on the retired list, taking the position that when a man is lucky enough to get on the retired list of the army or navy, and he is luckier than anyone else who serves the Government, that he ought to be satisfied with what he gets and not make him up into part of a lobby to constantly urge an increase of any salaries, he probably having nothing else to do.

Mr. BURTON of Delaware. Well, Mr. Speaker, I think that that is hardly applicable to this case. We only ask to have these men placed on the same plane they would have if they were retired to-day, veterans of the civil war.

Mr. BUTLER. Mr. Speaker, I will reply to the gentleman if he will listen. I will not, as a member of the Committee on Naval Affairs or as a Member of this House, vote to increase the pay of any man upon the retired list unless he served creditably and well in the civil war. We reported this bill that the pay of these eight or nine old sailors might be the same upon the retired list which their brothers who served in the civil war are now receiving. If they had not served in the civil war, I would not ask my friend to vote for their relief.

Mr. MANN. I supposed the gentleman was in favor of that proposition, possibly to put men on retired pay, but upon a much higher salary than he would have otherwise received, because he served two or three days in a clerk's office or something corresponding to that in the civil war.

Mr. BUTLER. No.

Mr. MANN. Such a man is now on the retired list, and it is a shame and disgrace to this Government that it ever put him there for that reason——

Mr. BUTLER. I do not know to whom the gentleman refers, but I am sorry to have assisted in the passage of such a measure if I did so. This man, William Jenney, was honorably discharged from the service in 1866. He enlisted March 19, 1861. He had a long and faithful as well as honorable war service, and for that reason, I assure my friend, we reported this bill favorably. We think he and the other men here provided for should have the same pay that other mates have who were more fortunate to be retired a short time after the passage of the personnel act of 1899.

Mr. MANN. Can the gentleman inform me what this means in this bill:

"Shall be credited with all their prior actual service, either as officers or enlisted men in the Army, Navy, or Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said act."

What does that mean?

Mr. BUTLER. Mr. Speaker, I can not answer the question. I know it is the intention of the Committee on Naval Affairs that they shall not receive what is commonly known as "back pay," and inasmuch as there seems to me—I am not authorized; the gentleman from Delaware introduced the bill and the gentleman from Oregon [Mr. ELLIS] reported it, after having passed the committee unanimously—but with the consent of the two gentlemen I will ask that the bill be laid aside until the Private Calendar is reached in regular order.

The SPEAKER. The bill is under consideration now, as the Chair understands. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The opinion of the Attorney-General referred to in the report on the bill and in the debate is as follows:

DEPARTMENT OF JUSTICE,
October 15, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of October 1, 1907, in which you ask my opinion as to whether certain mates, whose names are borne on the retired list of officers of the navy, having been placed there in accordance with the statute approved August 1, 1894 (28 Stat., 212), are entitled to advancement in accordance with the provisions of the act of June 29, 1906 (34 Stat., 554); and if so, to what grade they should be advanced. Sections 1408, 1409, and 1410 of the Revised Statutes are as follows:

"SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.

"SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment.

"SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings."

In the case of The United States *v.* Fuller (160 U. S., 593, 595) the court says:

"The personnel of the navy is divided generally into commissioned officers, noncommissioned or warrant officers, petty officers, and seamen of various grades and denominations."

After review of the foregoing and certain other provisions of the Revised Statutes, the court further says (p. 596):

"From this summary of the Revised Statutes it appears reasonably clear:

"1. That boatswains, gunners, sailmakers, and carpenters are warrant officers to be appointed by the President, and that they are the only ones specifically mentioned as such.

"2. That mates and officers not holding commissions or warrants and not entitled to them, but are petty officers promoted by the Secretary of the Navy from seamen of inferior grades who have enlisted for not less than two years, and that they are distinguished from other petty officers only in the fact that their pay is fixed by statute instead of by the President."

The act of August 1, 1894, mentioned in your letter, contains the language which follows:

"That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy."

It seems, therefore, to be clear (1) that the mates in question are officers of the navy; (2) that they are neither commissioned nor warrant officers, but, with respect to the law regulating retirements, they are placed, by special statute, upon the same footing as warrant officers. I understand from your letter that they have the other qualifications required by the act approved June 29, 1906, for advancement in grade. That act provided—

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been or may hereafter be retired, * * * may, in the discretion of the President, * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The only question appears to be whether they are officers in the sense contemplated by that act. From your letter and the accompanying papers I further understand that doubts are entertained as to whether they are such officers, because (1), as stated in the indorsement of the Bureau of Navigation, "mates have always been considered as enlisted men," and (2) in an opinion rendered July 22, 1907, I held, in the case of Mate Richard J. Keating, that he was an enlisted man for the purpose of being permitted to reenlist with the benefit of continuous service under article 839 of the Navy Regulations.

There is no doubt, I think, in view of the provisions of sections 1409 and 1410 of the Revised Statutes, that a person can be at the same time an officer of the navy and an enlisted man. The distinction in this respect is between commissioned officers and the enlisted force. Not only is it expressly provided in section 1409 that when an enlisted man becomes a mate his duties and rights as an enlisted man remain unaffected, but the same provision is made with respect to warrant officers; and, if the fact of enlistment should be held a bar to securing the benefits of the act of 1906 in the case of mates, this might be equally true with respect to warrant officers as well. By Article II, section 2, clause 2, of the Constitution "officers of the United States" can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers of the navy are appointed in accordance with the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States, and, in accordance with the provisions of the acts of 1894 and 1906, above quoted, all are alike entitled to the benefits of the advancement provided for in the last-mentioned act whenever otherwise qualified. The suggestion that there is no higher grade to which mates can be advanced appears to arise from some misunderstanding as to the purpose of the law. The act of 1906 does not say that the officers in question shall be advanced to another grade, but that they shall be placed on the retired list with the rank and retired pay of one grade above that actually held at the time of retirement. On April 8, 1899, Attorney-General Griggs gave an opinion (22 Op., 433) to your predecessor with regard to the construction of section 11 of the act approved March 3, 1899, and generally known as the "personnel act." In this opinion he held that, while officers of the Medical or Pay Corps could not be given a higher position in the service than that of medical director or pay director, respectively, they might have conferred upon them a higher rank and higher pay than those of the officers bearing such titles. In his words (p. 436):

"The highest officer in the Medical Corps is a 'medical director,' having the 'relative rank of captain.' It would not be possible to promote a medical director to a higher place in the Medical Corps, but it would be possible to confer upon him a higher rank than that of captain. And in my opinion that is what section 11 is intended to do. The two officers whose cases are now under discussion will be retired, respectively, as medical director and pay director, but with a higher relative rank on the retired list than that which they are entitled to in the active service—namely, rear-admiral. I see no difficulty in giving to section 11 such a construction, nor do I see any inconsistency or embarrassment that will arise in its operation."

I see no reason why this ruling should not cover the case under consideration. The mates in question will not obtain the grade of warrant officers, but they will have the rank and retired pay appurtenant to the lowest grade of such officers.

I therefore advise you that, in my opinion, the mates mentioned in your letter are entitled, in the discretion of the President, by and with the advice and consent of the Senate, to the benefit of the advancement provided in the case of retired officers under the circumstances enumerated in the act approved June 29, 1906; and, secondly, that, while the effect of such advancement may not be to place them in a different grade from that which they now hold, they will obtain the rank and retired pay belonging to the next higher grade in the service—namely, that of the lowest grade of warrant officers.

I remain, very respectfully, CHARLES J. BONAPARTE.

The SECRETARY OF THE NAVY.

The decision of the comptroller, based upon the foregoing opinion of the Attorney-General, and which necessitated the introduction of the bill, is as follows:

Mates: Retired; advanced on retired list, pay.

A mate with civil-war service was retired for age on September 26, 1899; following the reasoning of the Attorney-General in his opinion of October 15, 1907, all of which applies with equal force to section 11 of the personnel act as to the act of June 29, 1906, he is entitled, under said section 11, to "three-fourths the sea pay of the next higher grade," viz, that of the lowest grade of warrant officers, three-fourths of $1,200, the sea pay of a warrant officer during the first three years.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, January 29, 1908.

CECIL S. BAKER,
Paymaster, U. S. Navy, U. S. Navy-Yard, Boston, Mass.

SIR: I have received your letter of the 13th ultimo requesting a decision, as follows:

"In consideration of the decision of the Attorney-General of the United States of October 15, 1907, that mates retired in accordance with the statute approved August 1, 1894, and enjoying the benefits of the act approved June 29, 1906, are entitled to the rank and retired pay belonging to the next higher grade, namely, that of the lowest grade of warrant officers, I have the honor to request that a decision be rendered on the following question, viz: To what rate of pay is William Jenney,

mate, United States Navy, retired and transferred to the retired list September 14, 1899, entitled under the Attorney-General's decision and the provisions of the following letter:

"'NAVY DEPARTMENT,
"'*Washington, D. C., November 26, 1907.*

"'SIR: The Department's order to you, dated September 14, 1899, notifying you that you would be transferred to the retired list of officers of the navy from the 26th day of September, 1899, in accordance with the provisions of section 1444 of the Revised Statutes, is so far modified that you will be regarded as having been retired from that date with the rank and three-fourths of the sea pay of the lowest grade of warrant officers, in accordance with the provisions of section 11 of the act of Congress approved March 3, 1899.'"

It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat., 212) applies. It is as follows:

"That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy, and the said mates shall be entitled to receive annual pay at the rates following: When at sea, $1,200; on shore duty, $900; on leave or waiting orders, $700: *Provided*, That nothing herein contained shall be construed to authorize any increase of pay for any time prior to the passage of this act."

Section 11 of the act of March 3, 1899 (30 Stat., 1007), provides:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

Mr. Jenney was notified of his retirement by the Secretary of the Navy by letter of September 14, 1899, as follows:

"Sir: On September 26, 1899, you will regard yourself transferred to the retired list of officers of the United States Navy, in accordance with the provisions of section 1444 of the Revised Statutes of the United States."

If Jenney is entitled to the benefit of the provisions of section 11 of the act of March, 1899, supra, for advanced rank and pay, he became so entitled upon his retirement, as no selection or discretion as to the matter is reposed by this statute in any person, unlike, in that respect, a provision in the act of June 29, 1906 (34 Stat., 554), giving a similar advancement for like reasons, as follows:

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been, or may hereafter be, retired * * * may, in the discretion of the President, * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The Attorney-General rendered an opinion October 15, 1907, upon a request of the Secretary of the Navy to be advised as to whether mates who were among the 28 in the navy at the passage of the act of August 1, 1894, supra, are entitled to advancement under the last quoted law. (34 Stat., 554.) In his opinion the Attorney-General says, among other things:

"The act of August 1, 1894, mentioned in your letter, contains the language which follows:

"'That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy.'

"It seems, therefore, to be clear (1) that the mates in question are officers of the navy; (2) that they are neither commissioned nor warrant officers, but, with respect to the law regulating retirements, they are placed, by special statute, upon the same footing as warrant officers. * * *

"There is no doubt, I think, in view of the provisions of sections 1400 and 1410 of the United States Revised Statutes, that a person can be, at the same time, an officer of the navy and an enlisted man. * * * By article 2, section 2, clause 2, of the Constitution, 'officers of the United States' can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers of the navy are appointed in the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States, and, in accordance with the provisions of the acts of 1894 and 1906 above quoted, all are alike entitled to the benefits of the advancement provided for in the last mentioned act whenever otherwise qualified. * * *

"* * * While the effect of such advancement may not be to place them in a different grade from that which they now hold, they will obtain the rank and retired pay belonging to the next higher grade in the service, namely, that of the lowest grade of warrant officers."

Following the reasoning of the Attorney-General in this opinion, all of which applies with equal force to section 11 of the personnel act, supra, as to the act of June 29, 1906, I am of opinion that Mate Jenney, if qualified with a creditable record (he had civil-war service), is entitled under the said section 11 to "three-fourths the sea pay of the next higher grade," viz, that of the lowest grade of warrant officers.

Five grades of sea pay are provided by section 1556 of the Revised Statutes for warrant officers, as follows:

"* * * during the first three years after date of appointment, when at sea, $1,200; * * * during the second three years after such date, when at sea, $1,300; * * * during the third three years after such date, when at sea, $1,400; * * * during the fourth three years after such date, when at sea, $1,600; * * * after twelve years from such date, when at sea, $1,800 * * *."

Mate Jenney is therefore entitled to three-fourths of $1,200, the sea pay of a warrant officer during the first three years after the date of his commission, that being the retired pay of a warrant officer of the lowest pay grade. See Rutherford *v.* United States. (18 Ct. Cl., 339.)

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

It appears that a bill (S. 5337) of like purport as H. R. 17059 was introduced in the Senate by Mr. HEYBURN on February 14, 1908, and was favorably reported from the Committee on Naval Affairs, March 30, 1908, by Mr. DICK, with amendments. Said bill and report are as follows:

A bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil-war service, under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service, either as officers or enlisted men, in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

[Senate Report No. 434, Sixtieth Congress, first session.]

WILLIAM JENNEY AND EIGHT OTHER RETIRED MATES OF NAVY.

Mr. DICK, from the Committee on Naval Affairs, submitted the following report, to accompany S. 5337:

The Committee on Naval Affairs, to whom was referred the bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, having considered the same, report thereon with a recommendation that it pass with the following amendments:

In line 3 of the bill strike out the word "mate" and insert the word "mates;" in line 3, after the word "Jenney," insert the following: "William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith;" and in line 4 strike out the words "and the eight other retired mates."

The bill has the approval of the Navy Department, as will appear by a report from the Secretary of the Navy to the chairman of the House Committee on Naval Affairs on a like bill introduced in the House, which is herewith appended.

The statement of one of the proposed beneficiaries is also made a part of this report.

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's views with reference to a bill (H. R. 17059) "For the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill H. R. 17059 is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

NAVY DEPARTMENT,
Washington, March 27, 1908.

SIR: The receipt is acknowledged of your letter of the 25th instant, inclosing a bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates, etc., and requesting, for the Committee on Naval Affairs, the names of the other retired mates who are now living be sent you.

They are the following: William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, Silas T. C. Smith.

Very respectfully,

V. H. METCALF,
Secretary.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

196 SHURTLEFF STREET,
Chelsea, Mass., February 28, 1908.

DEAR SIR: I beg to request that you will kindly cause to be reported and passed immediately Senate bill 5337, for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

I was nominated and confirmed this session of Congress to be a mate on the retired list with the rank and pay of the next higher grade, but the comptroller rules that I do not get any higher pay, although everyone else benefited under the act of June 29, 1906, receives increased rank and pay by reason of civil-war service, and it was the intention of the law that I and my associates should likewise receive this increase.

I entered the service in 1856, at the breaking out of the rebellion, and was appointed master's mate; and in 1864 was appointed an acting ensign; served as such until October, 1868, when I received my honorable discharge. I reentered the service in 1870 as a mate. I also served in the Mexican war in 1847.

Most of these mates are about 80 years of age, and unless this law goes through immediately we will be dead before it can do us any good.

The bill has the recommendation of the Navy Department.

Trusting that this letter will appeal to you, I am,

Very truly, yours,

WM. W. BECK,
Mate, United States Navy, retired.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

The bill (S. 5337) passed the Senate on March 31, 1908, and was referred to the Committee on Claims and later to the Committee on Naval Affairs of the House, but was not reported because of the fact that the bill which I had introduced was already on the calendar of the House.

When H. R. 17059 went over on the objection of Mr. MANN, on March 7, 1908, I notified Mr. Clarence W. DeKnight. As already explained, he was the attorney for these mates, and had been successful in securing the opinion of the Attorney-General to the effect that they were officers and thereby entitled to the rank and pay of the next higher grade. At the suggestion of Mr. DeKnight I requested the Navy Department to refer the matter back to the Attorney-General for explanation of the words "lowest grade of warrant officers," which the Navy Department finally consented to do. The correspondence between the department and myself on this subject is as follows:

MARCH 17, 1908.

Hon. VICTOR HOWARD METCALF,
Secretary of the Navy, Washington, D. C.

DEAR MR. SECRETARY: Referring to the department's letter of March 11, 1908, to me, in the case of Mate William Jenney and others, I beg to suggest that a letter be written by the department to the Attorney-General, requesting to be informed if, in his opinion, in the case of the mates where he uses the words "lowest grade of warrant officers," he means the "lowest pay grade."

To quote from your letter:

"As a matter of fact, there is but one grade of warrant officers, and not two, as is the case in the grade of lieutenant or rear-admiral; so the comptroller decided that they should only receive three-quarters of the sea pay of the lowest pay grade of warrant officers who, it happens, receive exactly the same rate of pay as did the mates under consideration. The action of the comptroller therefore practically nullified the intent of the law which was beneficial in character."

It is reasonable to suppose that the Attorney-General did not mean to infer the lowest pay grade in his decision, and, if he should so state, it would probably put the comptroller in position to reverse his decision, which, from the department's letter, it appears is unjust and practically nullifies the intent of the law.

I make this suggestion because of the further fact that further on in your letter to me you state:

"The department believes that it was intended by the act to give the persons affected by it some benefit, and, if these mates received three-quarters of the sea pay of a warrant officer of corresponding length of service the object would be accomplished. But in view of the comptroller's decision the act is rendered nugatory as far as these mates are concerned."

I think that these facts, if expressed to the Attorney-General, would bring the matter clearly to his attention.

Very truly, yours,

HIRAM R. BURTON.

NAVY DEPARTMENT,
Washington, March 26, 1908.

MY DEAR MR. BURTON: The receipt is acknowledged of your letter of the 17th instant, suggesting that information be requested of the Attorney-General concerning the construction to be placed upon the expression used in his opinion of October 15, 1907, namely, "the lowest grade of warrant officers."

A reference to Twenty-fifth Opinions of the Attorney-General, pages 302, 303, 304, indicates that in requesting an opinion the concurrent action of the comptroller should be secured, under the circumstances surrounding the present case. Accordingly, and agreeably to your request, a letter has been addressed to the comptroller, together with a memorandum on the subject, embodying the department's views, requesting his concurrence in the action proposed.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. H. R. BURTON,
House of Representatives.

When the matter was again before the Attorney-General, Mr. DeKnight made further argument, with the result that on April 18, 1908, the Attorney-General rendered an opinion again sustaining Mr. DeKnight's position. Said opinion (26 op., 600) is as follows:

DEPARTMENT OF JUSTICE,
April 18, 1908.

SIR: In your letter of April 1, 1908, with its inclosures, you informed me that a portion of the opinion of this department dated October 15, 1907 (ante, p. 433), is construed in a way which, perhaps, may do injustice to certain officers of the navy, there referred to, and you ask my opinion upon the following questions:

"1. Whether the expression 'the lowest grade of warrant officers' should be restricted to the lowest-pay grade?

"2. Whether a retired mate in the navy belonging to the category referred to in the Attorney-General's opinion of October 15, 1907, may be credited with his prior service in the navy at the date of his retirement in determining his classification for pay?

"3. When did Mate William Jenney, U. S. Navy, retired, become entitled to advancement, whether at the date of his retirement, September 26, 1899, or from the date of the department's notification to him of November 26, 1907?"

Your first question is answered in the negative. It was not the intention, in that opinion, to define any particular rate of pay which mates should receive on retirement, or to say more than that they were entitled, under the provision referred to, to the rank and retired pay of the next higher grade. The question of the particular rate of pay to which they were entitled was not before me and was not considered. There was nothing to inform me then how many grades there were of warrant officers, or whether more than one; but, following the uniform rule for the promotion of the lower officers of the navy, that is, by a single step from the lower to the next higher grade, I used the expression referred to in the opinion. And if, as appears to be the case, there is but one grade of warrant officers, the expression used refers to that, as being both the lowest and highest grade.

The questions now submitted are different, in that they inquire as to this rate of pay, and my views on this subject are expressed in the following answer to your second and third questions. Referring to these questions, section 11 of the navy personnel act of March 3, 1899 (30 Stat., 1007), provides for the retirement of certain officers with the rank and three-fourths the sea pay of the next higher grade. As Mate Jenney comes within the description of the officers there referred to, and was retired September 26, 1899, he should have been retired under that section, as of that date, with three-fourths the sea pay of a warrant officer, the next higher grade.

But, what is the sea pay of a warrant officer? By reference to section 1556, Revised Statutes, we find that this is a variable quantity, ranging by varying sums from $1,200 to $1,800 per annum by three-year periods of service; and that for the first three years a warrant officer gets $1,200; and after twelve years' service, $1,800 per annum, with other rates for intermediate three-year periods. Either one of these may, in one sense, be said to be the sea pay of a warrant officer; but neither one alone can, in any proper sense, be said to be the sea pay of that grade.

It is impossible to give to these mates, on retirement, three-fourths the sea pay of warrant officers, unless we give them just that amount, and upon the same terms and conditions affecting the amount as those affecting the pay of warrant officers; that is, if the amount of a warrant officer's pay depends upon certain terms or conditions, we can not give a mate three-fourths of the same pay, unless upon the same terms and conditions. If it is not increased by the same facts or if it is charged with greater burdens, it is not the same pay. If a warrant officer's pay is increased by length of service, instead of being fixed and stable, it is impossible to give mates three-fourths of the same pay unless that also is affected by corresponding length of service. The purpose of this section, when applied to this class of officers, was not to retire these mates with three-fourths of the lowest sea pay given to a warrant officer, and it was not so said, but was to give them three-fourths the varying sea pay of warrant officers upon the same conditions. The purpose of the section was to give to the retiring officer, broadly and generally, three-fourths of the compensation which, in the higher grade, is given for service at sea. If that is fixed and stable, so is that of the retiring officer. If it varies according to length of previous service, so also does the three-fourths thereof given to the latter officer, and from the same cause; so that the retiring officer receives three-fourths of the same pay that is given in the higher grade for sea service by one having the same length of previous service.

If Congress had intended either one of these particular rates of pay as the basis of this retired pay, it is certain that it would have said so. As it is not so said, it must be taken that it was not so intended. And this is made substantially certain, also, by the language of this section. It provides that the officers referred to shall be retired "with the rank and three-fourths the sea pay of the next higher grade." In this instance the sea pay of the "next higher grade" varies with three-year periods of service.

But it is this same varying rate of pay "of the next higher grade," and not any particular one of them, which is made the basis of the retired pay there referred to. The way to give these mates three-fourths of this varying sea pay of the next higher grade is, of course, plain. If one of them has had three years' service he gets three-fourths the pay of a warrant officer who has had that length of service. If he has had twelve years' service—and Mate Jenney has had much more than that—he get three-fourths the pay of a warrant officer with the same service. In short, the mate, being entitled to the rank and three-fourths the sea pay of warrant officers, should receive three-fourths of the same pay which they would receive if they were warrant officers, instead of mates, all other circumstances connected with them remaining the same. I know of no other way by which to give to retired mates three-fourths of the sea pay of the next higher grade.

It follows that Mate Jenney should have retired September 26, 1899, with three-fourths the sea pay of a warrant officer with twelve years of service, and that his advancement should be at and from that date and not from the date of the department's letter to him, November 26, 1907, referred to in your question.

But your questions refer more specifically to retirements under the act of June 29, 1906 (34 Stat., 554); and as this act refers as well to officers who had then been retired as to subsequent retirements, it is quite possible that Mate Jenney and others retired under section 11 of the personnel act may be retired under the act of 1906, if for any reason that is thought desirable.

As far as concerns any question here, the only difference in the pertinent provisions of the two acts is the substitution in the later act of the words "retired pay" for "three-fourths the sea pay" of the next higher grade. This would give to mates on retirement the retired pay of warrant officers, the next higher grade.

The act of March 3, 1873 (17 Stat., 547), provides, in substance, that the retired warrant officers, with other retired officers, shall receive "75 per cent of the present sea pay of the grade or rank which they held at the time of retirement."

This sea pay of warrant officers is fixed as above shown, varying from $1,200 to $1,800 per annum. So that if Mate Jenney, after being retired under section 11 of the personnel act, were now retired under the act of June 29, 1906, this would make no difference in the amount of his retired pay, for under the former act he would receive three-fourths the sea pay of a warrant officer and under the other he would receive the whole of the retired pay of warrant officers, which is three-fourths the sea pay of such officer.

And, with the changes made necessary by the changed language of the later act, what is said above as to the length of previous service in determining the rate of pay of warrant officers and, therefore, the retired pay of mates under section 11, referred to, is equally applicable in the cases of mates retired under the act of 1906. And they receive the retired pay of the next higher grade—that is, the retired pay of a warrant officer with the same length of previous service.

This, it is believed, covers the ground embraced in your second and third questions. Specifically, your second question is answered in the affirmative. And as to the third, I have to advise you that Mate Jenney, under the facts stated, was entitled to advancement from his retirement, September 26, 1899, and not from the date of the department's letter to him of November 26, 1907.

Respectfully,

CHARLES J. BONAPARTE.

The SECRETARY OF THE NAVY.

As the result of the foregoing opinion the comptroller reversed his decision of January 29, 1908. His second decision (14 Comp., 717) is as follows:

APRIL 28, 1908.

By your reference of February 12, 1908, of a communication from the Paymaster-General of the Navy you requested reconsideration of my decision of January 29, 1908, in the case of Mate William Jenney, U. S. Navy, retired, one of the 28 mates in the navy August 1, 1894, and entitled, by authority of an act of that date (28 Stat., 212), to

retirement under the laws regulating the retirement of warrant officers. In this decision it was held that the said Mate Jenney, having been retired under section 11 of the navy personnel act (act of March 3, 1899, 30 Stat., 1007), was entitled to three-fourths the sea pay of the next higher grade; that the pay of the next higher grade was that of a warrant officer in the first three years after date of appointment, and that he became so entitled on the date of his retirement.

You were informed by my letter of March 7, 1908, that a bill was before Congress providing that Mate Jenney and the other mates in a similar status shall be allowed credit for their previous service in computing their retired pay, and that it was contrary to the rule of this office to consider claims which were at the time pending before Congress.

By your letter of March 26, 1908, you suggested that the question as to the right of these retired mates to credit for longevity service be submitted to the Attorney-General, and invited my concurrence in the proposed submission. In my reply of March 28, 1908, I concurred in your request to the Attorney-General for his opinion and suggested an enlargement of the question by asking his opinion as to when Mate Jenney became entitled to advancement—whether at the date of his retirement, September 14, 1899, or the date of the department's notification to him, November 26, 1907.

In response to your request, the Attorney-General has rendered an opinion, dated April 18, 1908, and has held that the retired mates who receive the retired pay of warrant officers are entitled, in computing that pay, to be credited with their length of service. He says:

"The way to give these mates three-fourths of this varying sea pay of the next higher grade is, of course, plain. If one of them has had three years' service, he gets three-fourths the pay of a warrant officer who has had that length of service. If he has had twelve years' service—and Mate Jenney has had much more than that—he gets three-fourths the pay of a warrant officer with the same service. In short, the mates, being entitled to the rank and three-fourths the sea pay of warrant officers, should receive three-fourths of the same pay which they would receive if they were warrant officers instead of mates, all other circumstances connected with them remaining the same. I know of no other way by which to give to retired mates three-fourths of the sea pay of the next higher grade.

"It follows that Mate Jenney should have been retired September 26, 1899, with three-fourths the sea pay of a warrant officer with twelve years' service, and that his advancement should be at and from that date and not from the date of the department's letter to him, November 26, 1907, referred to in your question."

The opinion of the Attorney-General will be followed by this office, and Mate William Jenney is therefore entitled to retired pay at the rate of $1,350 per annum, that being three-fourths of the sea pay of a warrant officer after twelve years' service, the highest pay of a warrant officer, Jenney having had thirty years' service at the time of his retirement, and that he became entitled to that pay on the date of his actual retirement.

To the SECRETARY OF THE NAVY.

The effect of this decision was to give to the mates for whom I had introduced the bill that to which they were entitled and made it unnecessary for the bill to become a law. Hence, when the bill was reached at this session, it was passed over, and on February 5, 1908, when it was reached again, the bill was laid upon the table, on motion of Mr. ELLIS of Oregon, who made the following explanation:

[Extract from CONGRESSIONAL RECORD, vol. 43, pp. 1946–1947, February 5, 1909.]

MATE WILLIAM JENNEY.

The Clerk reported the bill (H. R. 17059) for the relief of Mate William Jenney, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent that this bill may lie on the table. A recent ruling of the department has given all that can be given under the bill, and hence there is no necessity for its passage.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill do lie on the table? [After a pause.] The Chair hears none, and it is so ordered.

I am very glad indeed that these mates have been accorded the consideration to which they were entitled, as, in my opinion, they are among the most deserving officers on the retired list of the navy.

But only Mates Beck, Bonsall, Boyd, Griffin, Hill, Holler, Robinson, and S. T. C. Smith were accorded by the Navy Department the rank and pay of the next higher grade, under the opinions of the Attorney-General and decisions of the comptroller heretofore cited.

The following letter of the Navy Department affected the above-mentioned mates only:

NAVY DEPARTMENT,
Washington, November 5, 1907.

SIR: Referring further to your letter of July 12, 1907, relative to the right of certain mates on the retired list of the navy to advancement under the provisions of the act of June 29, 1906, I have to advise you that the Attorney-General, in an opinion rendered October 15, 1907, held that mates retired in accordance with the statute approved August 1, 1894 (28 Stat., 212), are entitled, in the discretion of the President, by and with the advice and consent of the Senate, to the benefit of advancement provided by the act approved June 29, 1906, under the circumstances enumerated in that act, and that the effect of such advancement will be to give them the rank and retired pay appurtenant to the lowest grade of warrant officers.

Appropriate instructions were issued to the Bureau of Navigation on the 16th ultimo, in accordance with the Attorney-General's opinion.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. THOMAS S. BUTLER,
House of Representatives, Washington, D. C.

In order to secure increased rank and pay for Mate Jenney it was necessary for Mr. DeKnight to prepare and submit an additional brief, as follows:

NOVEMBER 11, 1907.

To the honorable SECRETARY OF THE NAVY.

SIR: On behalf of Mate William Jenney, U. S. Navy, retired, I beg to submit that when he was retired, on September 26, 1899, he should have been retired with a higher rank and pay than that of mate.

It appears from the Naval Register that Mate Jenney was retired on attaining the age of 62 years, under the act of December 21, 1861, and amendments, section 1444, Revised Statutes. Said act reads as follows:

"When any officer below the rank of vice-admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service."

Under the further provision of law, to wit, the act of March 3, 1899, Mate Jenney should, when retired, have been retired with the rank and three-fourths of the sea pay of the next higher grade. The act of March 3, 1899, reads as follows:

"That any officer of the navy with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

It appears from an indorsement, under date of October 1, 1907, put upon the papers of Mate Griffin, retired, in referring his case to the Attorney-General for an opinion, that the Bureau of Navigation stated it had always regarded mates as enlisted men. But it further appears that the Attorney-General, in his opinion of October 15, 1907, in Mate Griffin's case, holds that—

"By Article II, section 2, clause 2 of the Constitution 'officers of the United States' can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers in the navy are appointed in the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States."

Continuing, the Attorney-General says:

"On April 8, 1899, Attorney-General Griggs gave an opinion to your predecessor with regard to the construction of section 11 of the act approved March 3, 1899, and generally known as the 'personnel act.' In this opinion he held that, while officers of the Medical or Pay corps could not be given a higher position in the service than that of medical director or pay director, respectively, they might have conferred upon them a higher rank and higher pay than those of the officers bearing such titles."

In his words—

"The highest officer in the Medical Corps is a medical director, having relative rank of a captain. It would not be possible to promote a medical director to a higher place in the Medical Corps, but it would be possible to confer upon him a higher rank than that of captain. And, in my opinion, that is what section 11 is intended to do. The two officers whose cases are now under discussion will be retired, respectively, as medical director and pay director, but with a higher relative rank on the retired list than that which they are entitled to in the active service—namely, rear-admiral. I see no difficulty in giving to section 11 such a construction, nor do I see any inconsistency or embarrassment that will arise in its operation."

In view of Mate Jenney's civil-war record, it is respectfully submitted that the only reason why the department did not, when retiring Mate Jenney, retire him with the rank and three-fourths the sea pay of the next higher grade, was (1) because it did not regard him as an officer, and (2) because it believed that a mate could not be placed on the retired list with the rank and pay of one grade above that actually held at the time of retirement, for the reason that on the active list he could not promote to a higher place. The opinion of the Attorney-General, dated October 15, 1907, shows conclusively (1) that a mate is an officer; and (2) that, as in the case of a medical or pay director, who likewise could not promote to a higher place on the active list, a mate is entitled to be placed on the retired list with the rank and pay of the grade next above that held by him at the time of retirement.

The case of Mate Jenney is unlike that of the other mates on the retired list. He is the only mate retired for age since March 3, 1899, and therefore the only one who comes within the provisions of the act of that date. Possessing a creditable civil-war record, this act entitles him to be placed upon the retired list with increased rank and pay from the date of his retirement, to wit, September 26, 1899.

The Attorney-General, in his opinion of October 15, 1907, holds that the grade next above that of mate is that of the lowest grade of warrant officers.

Under the provisions of the act of June 29, 1906, mates with civil-war record who were retired prior to March 3, 1899, are entitled to be placed on the retired list with the rank and pay next above that held by them at the time of retirement, but then only in the discretion of the President, by and with the advice and consent of the Senate.

Mate Jenney is entitled under the provisions of the act of March 3, 1899, which reads as follows:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

It will be observed that this act is mandatory.

It is respectfully requested that the record of retirement of Mate Jenney be corrected, and that his name be entered upon the Naval Register as retired September 26, 1899, with the rank and three-fourths the sea pay of the next higher grade, that of the lowest grade of warrant officer.

Very respectfully,

CLARENCE W. DEKNIGHT,
Attorney for Mate William Jenney.

DECEMBER 3, 1907.

To the honorable SECRETARY OF THE NAVY.

SIR: On November 11 I addressed a communication to you on behalf of Mate William Jenney, U. S. Navy, retired, setting forth the reasons why he should have been retired with a higher rank and pay than that of mate.

Kindly inform me what action, if any, has been taken in this matter.

Very truly, yours,

CLARENCE W. DEKNIGHT,
Attorney for Mate William Jenney.

NAVY DEPARTMENT,
Washington, December 9, 1907.

SIR: Replying to your letter of the 3d instant, asking what action, if any, has been taken with respect to the claim of Mate William Jenney, U. S. Navy, retired, that his record should be corrected so as to show his retirement with the rank and three-fourths the sea pay of the next higher grade, you are advised that the papers were sent to the Bureau of Navigation, on the 22d ultimo, with the following indorsement:

"Returned to the Bureau of Navigation.

"It appears that Mate William Jenney 'served during the civil war,' and that he was placed on the retired list of officers of the navy September 26, 1899, under authority of the act of August 1, 1894 (28 Stat., 212). The Attorney-General has held (opinion of October 15, 1907) that mates so retired are officers of the navy and, in that respect, eligible to advancement on the retired list under the provisions of the act of June 29, 1906 (34 Stat., 554).

"Under these circumstances it would appear that if Mate Jenney's record was 'creditable' at the date of his retirement he should have been 'retired with the rank and three-fourths the sea pay of the next higher grade,' in pursuance of section 11 of the 'personnel act' (act of March 3, 1899, 30 Stat., 1007).

"The bureau will take appropriate action in the premises."

Very respectfully,

V. H. METCALF, *Secretary.*

Mr. CLARENCE W. DEKNIGHT,
Attorney at Law, Hibbs Building, Washington, D. C.

Mr. DeKnight then turned his attention to demonstrating that Mates Callander, Fuller, Neilsen, and Vennard had been erroneously retired under section 17 of the navy personnel act.

This section reads as follows:

That when an enlisted man or appointed petty officer has served as such thirty years in the United States Navy, either as an enlisted man or petty officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive 75 per cent of the pay and allowances of the rank or rating upon which he was retired: *Provided*, That if said enlisted man or appointed petty officer had active service in the Navy or in the Army or Marine Corps, either as volunteer or regular, during the civil or Spanish-American wars, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired: *And provided further*, That applicants for retirement under this section shall, unless physically disqualified for service, be at least 50 years of age.

Mr. DeKnight contended that they should have been retired under section 1444, Revised Statutes, and section 11 of the navy personnel act.

His efforts were opposed by the Navy Department, as may be seen by the following communications:

NAVY DEPARTMENT,
Washington, February 7, 1908.

SIR: Referring to your communication of December 28, 1907, on behalf of Mate Harold Neilsen, U. S. Navy, retired, and to the department's letter of the 4th instant, I have to inform you that the Bureau of Navigation has been advised that the provisions of section 11 of the personnel act, so called, are not considered to apply to the case of Mate Neilson.

Very respectfully,

V. H. METCALF, *Secretary.*

Mr. CLARENCE DEKNIGHT,
Hibbs Building, Washington, D. C.

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
Washington, D. C., December 10, 1907.

SIR: In reply to your letter of the 6th instant, requesting that the name of the late Mate Henry C. Fuller, U. S. Navy, retired, be submitted to the Senate for an advancement of one grade in accordance with the provisions of an act of Congress approved June 29, 1906, you are advised that for an officer to be eligible for advancement under the provisions of the law referred to he must have been transferred to the retired list on account of one of the following reasons: (1) "On account of wounds or disability incident to the service," (2) "on account of age," (3) "or after forty years' service."

Mate Fuller was transferred to the retired list after the completion of thirty years' service, in accordance with the provisions of section 17 of the navy personnel act, approved March 3, 1899. As he did not retire on account of one of the reasons above given, he is not entitled to advancement under the provisions of the act of June 29, 1906, which reads as follows:

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been or may hereafter be retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the navy and placed on the retired list by virtue of the provisions of a special act of Congress."

Very respectfully,

C. McR. WINSLOW,
Assistant to Bureau.

CLARENCE W. DEKNIGHT,
Attorney at Law, Hibbs Building, Washington, D. C.

Again I assisted in getting the Secretary of the Navy to refer the matter to the Attorney-General for opinion, as may be seen by the following correspondence:

HOUSE OF REPRESENTATIVES,
Washington, May 7, 1908.

Hon. TRUMAN H. NEWBERRY,
Acting Secretary of the Navy, Washington, D. C.

DEAR MR. SECRETARY: Just before leaving for my home in Delaware on May 1, I signed, and am under the impression that I mailed to you, a letter requesting that you refer the cases of Mates Fuller, Neilsen, Vennard, and Callander to the Attorney-General for an opinion as to their status under section 11 of the navy personnel act. Inasmuch as I have not received any acknowledgment, I believe now that I probably did not mail the letter.

It seems that the Attorney-General, on April 18, 1908, rendered an opinion explanatory of his opinion of October 15, 1907, relative to certain retired mates, and as a result the comptroller has reversed himself, and in computing their pay has given them credit for their prior service. It appears also that the cases of Mates Fuller, deceased, Neilsen, Vennard, and Callander were not before the Attorney-General for opinion, and I therefore request that you will kindly cause their cases to be sent to him for opinion, so that his opinion may be rendered in time for the auditor to act upon their cases in season to certify any amount that may be found due them to Congress for appropriation before adjournment.

I believe it only an act of justice that these mates should have their status passed upon by the Attorney-General the same as in the case of the other mates.

These officers were retired under section 17 of the personnel act, and it would seem, following the opinion of the Attorney-General, that they are entitled to be retired under section 11 of that act, which provides:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

The act of August 1, 1894, provided "that the law regulating the retirement of warrant officers of the navy shall be construed to apply to the 28 officers now serving as mates in the navy," and these mates were among the number. In the absence of any specific provision repealing this law with reference to these mates, it would seem that it was in effect at the time of their retirement.

The Attorney-General having held in his opinion of October 15, 1907, that a mate could be both an officer and enlisted man, it would seem only fair to apply both beneficial acts to these mates, especially in view of the fact that nowhere does it appear that there was any intention to repeal the act of August 1, 1894, as to them, and it is probable that under existing law they are entitled to the rank and pay of the next higher grade.

These mates having served honestly and faithfully during the civil war, and so far as known have a creditable record, it is probable that Congress intended that they should receive the benefits for such service during the war of the rebellion.

Thanking you in advance for your prompt attention to this matter, early presentation of which has been delayed by reason of my absence from the city, I am,

Very truly, yours,

H. R. BURTON.

NAVY DEPARTMENT, *Washington, May 12, 1908.*

SIR: The receipt is acknowledged of your letter of the 7th instant, with an inclosed brief, relative to the cases of Mates Fuller, Nielsen, Vennard, and Callander. This is the first letter that has reached the department concerning these individuals.

In reply I send herewith a copy of a memorandum covering the question as applicable to Mate Harold Nielsen, which was sent to the Bureau of Navigation on February 6, 1908. While the department desires to do whatever is possible in any case that appears to be doubtful, it does not seem that this matter comes within that category, and it is not believed that any other conclusion can properly be arrived at other than the one set forth in the accompanying memorandum. No objection, however, would be raised to appropriate legislative action having in view the application of the beneficial statutes of March 3, 1899, or of June 29, 1906, to the four mates above mentioned.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. H. R. BURTON,
House of Representatives.

MAY 13, 1908.

Hon. TRUMAN H. NEWBERRY,
Acting Secretary of the Navy.

DEAR MR. SECRETARY: I am in receipt of your letter of the 12th instant relative to the case of Mates Fuller, Nielsen, Vennard, and Callander. I have carefully considered the accompanying memorandum, and it seems to me that there is very grave doubt concerning the question involved, so much so that I would be glad if you could see your way clear to ask the opinion of the Attorney-General in this matter.

I gather that these mates were retired in conformity with the ruling of the department; that they were only entitled to be retired under section 17 of the personnel act, the same as enlisted men of the navy, although since the Attorney-General has held they are officers, I do not think that their case should be prejudiced by their accepting the views of the department at the time and going on the retired list under said section. I think that they should have the benefit of section 11, and it is my opinion, after considering the matter very carefully, that they would seem to be entitled to it.

It will be impossible to pass a bill for their relief at this session of Congress, and it is a matter of delay for a year at least before they can receive any benefits. Meanwhile, if the Attorney-General should hold that the department was in error, why, they could have their cases corrected and receive the benefits to which, in my opinion, they would seem to be entitled, and I would be spared the necessity of burdening Congress with the passage of additional legislation for the navy, of which it seems there has been a great deal in the last few years.

It will be remembered that in the case of Mate Jenney and the eight other mates the department held that they were not entitled to the benefits of section 11 or of the act of June 29, 1906, and it was only after persistent effort that the department was induced to call upon the Attorney-General for opinion, with the result that he decided that they were entitled. Furthermore, that the comptroller refused to put a proper construction upon the opinion of the Attorney-General, and when the matter was again referred to him he decided that the comptroller was in error. In both cases, therefore, where the Attorney-General was called upon he expressed the opinion that these departments had been in error. It is not improbable, therefore, that error may exist with reference to these four mates, and it would seem to be

only fair that the Attorney-General should be asked to pass upon their status, so that further legislation may be avoided if possible; or, if legislation is found to be required the opinion of the Attorney-General in these specific cases may be cited and we may not again be put in the position of proceeding with legislation concerning which, if the Attorney-General had first been called upon to express an opinion, it would have been found unnecessary.

I think you will agree with me that no harm can be done in referring the matter to the Attorney-General for opinion, while much good may come therefrom.

Trusting that you will therefore reconsider this matter, I am,

Very truly, yours,

HIRAM R. BURTON.

NAVY DEPARTMENT,
Washington, May 15, 1908.

MY DEAR MR. BURTON: The receipt is acknowledged of your letter of the 13th instant, in which you ask that the cases of Mates Fuller, Neilsen, Vennard, and Callandar be referred to the Attorney-General for his opinion as to whether they are entitled to the benefits of the provisions of section 11 of the act of March 3, 1899, or those of the act of June 29, 1906, as in the case of Mate Jenney and others.

In reply I have to inform you that the opinion of the Attorney-General will be requested, as you suggest.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

The Hon. H. R. BURTON,
House of Representatives.

On the matter reaching the Attorney-General's office, Mr. De Knight made an extended argument, and on June 5, 1908 (26 Op., 615), the Attorney-General rendered an opinion again sustaining Mr. DeKnight's position, said opinion being as follows:

DEPARTMENT OF JUSTICE,
June 5, 1908.

SIR: I have the honor to respond to the request contained in your note of May 26, 1908, for an opinion upon the case there stated, in substance as follows:

Mate Neilsen, retired, served as an enlisted man in the navy from January 22, 1862, to February 9, 1865, and from February 20, 1866, to October 4, 1869, and as a mate from March 29, 1870, until retired. He was retired March 31, 1899, under section 17 of the personnel act of March 3, 1899, upon his own application, after thirty years' service. And the question which you submit is "Whether * * * Mate Neilsen is not entitled to advancement to the next higher grade under the provisions of section 11 of the personnel act or the act of June 29, 1906; and if so, as to the date from which he is entitled to such advancement."

It is assumed that by the above expression, "the next higher grade," is meant the rank and pay of the next higher grade, as such officers are not advanced in grade on their retirement.

Much of what is here involved is covered by the two opinions of this department upon a similar subject, under dates of October 15, 1907, and April 18, 1908.

Following the ruling in The United States *v.* Fuller (160 U. S., 593, 595), it was held in those opinions that mates in the navy were officers within the meaning of section 11 of the navy personnel act and of the act of June 29, 1906 (34 Stat., 554).

As Mate Neilsen was retired March 31, 1899, he should have been retired under the former section, with the rank and three-fourths the sea pay of the next higher grade.

The Navy Department then held that Mate Neilsen could not be retired under section 11 of that act, but was entitled to be retired as an enlisted man under section 17 of that act, he having had more than thirty years of service in the navy, and he was thus retired upon his own application and with the rank he then held and three-fourths of the pay he was receiving at retirement.

The question to be determined is as to the effect of this retirement upon the right of Mate Neilsen to be now retired, as of some date, under section 11 of the personnel act or the act of June 29, 1906.

That act provides that "any officer of the navy not above the grade of captain who served with credit * * * during the civil war * * * and who has heretofore been, or may hereafter be, retired * * * may, in the discretion of the President * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The higher grade thus referred to is that of warrant officer, and the retired pay of that grade was 75 per cent of the sea pay of the grade, varying in amounts by three-year periods of service. (Act of March 3, 1873, 17 Stat., 547; and opinion of April 18, 1908, 26 op., 600.) Since the above act of June 29, 1906, embraces both officers who were then retired and those thereafter retired, Mate Neilsen, if otherwise entitled, may be retired under that act notwithstanding his former retirement.

I do not think that the retirement of Mate Nielsen under section 17 of the personnel act, upon his own application, is, under the circumstances, a bar to his retirement as an officer under section 11 of that act or under the act of 1906.

The Government having held that he could not be retired as an officer under section 11, but might be, under section 17, upon his own application, I do not think that by accepting this erroneous decision and acting upon it he waived or forfeited any legal right which he had to be retired otherwise.

I am of opinion that as Mate Nielsen was entitled to be retired under section 11 of the act referred to, his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and, following the above opinion of April 18, 1908, with the rank and retired pay of a warrant officer with twelve years of service and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled.

In any event Mate Nielsen would be now, under the above opinion, entitled to be retired under the act of 1896 with the rank and retired pay of a warrant officer having twelve years' service. But since the advancement in such case would be from the date of retirement, this would deprive him during the intervening years of the increased pay to which he became entitled at and from his retirement, March 31, 1899.

As you informed me that there are on the retired list some other mates whose cases are essentially similar to this one, what is here said will apply to others also.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The honorable SECRETARY OF THE NAVY.

When this opinion reached the Navy Department, it was returned to the office of the Attorney-General on June 23, 1908, with a request for an explanation of a certain passage of the above opinion, said passage reading as follows:

I am of opinion that, as Mate Neilsen was entitled to be retired under section eleven of the act referred to (the personnel act), his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and following the above opinion of April 18, 1908, with the rank and three-fourths retired pay of a warrant officer with twelve years of service, and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled.

The questions which the Navy Department raised were of such nature as to require a reconsideration of this opinion by the Attorney-General.

Meanwhile Mr. DeKnight had gone abroad, but on being cabled by his office immediately returned solely on this business and made a further argument and a reargument in support of his contention on behalf of these mates, with the result that on August 29, 1908, the Attorney-General again sustained Mr. DeKnight's position by rendering the following opinion:

DEPARTMENT OF JUSTICE,
August 29, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of June 23, 1908, in which you request an explanation of a certain passage in my opinion of June 5, 1908 (26 Op., 615), in the case of Mate Harold Neilsen, U. S. Navy, retired. The passage to which you call my attention is as follows:

"I am of the opinion that, as Mate Neilsen was entitled to be retired under section 11 of the act referred to (the personnel act), his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and following the above opinion of April 18, 1908, with the rank and retired pay of a warrant officer with twelve years of service, and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled."

It appears that this has been construed as meaning that Mate Neilsen was entitled to be retired under section 11 of the personnel act at the time when he was, in fact (although irregularly), retired under section 17 of the same act, and you point out that data contained in certain memoranda accompanying your letter of May 26, 1908, show that Mate Neilsen, at the time above mentioned, had neither served forty years nor attained the age of 62 years, and therefore he would not have been entitled to retirement had he then held the rank of a warrant officer. The passage in question is not, perhaps, as carefully expressed as it should have been, but it does not say, nor was it my intention to express the opinion, that Mate Neilsen was entitled to retirement under section 11 of the personnel act at the date of his irregular retirement above mentioned. In the two paragraphs immediately preceding the one to which you refer, I said:

"I do not think that the retirement of Mate Neilsen under section 17 of the personnel act, upon his own application, is, under the circumstances, a bar to his retirement as an officer under section 11 of that act or under the act of 1906.

"The Government having held that he could not be retired as an officer under section 11, but might be under section 17, upon his own application, I do not think that, by accepting this erroneous decision and acting upon it, he waived or forfeited any legal right which he had to be retired otherwise."

In other words, the material point, in my opinion, was that Mate Neilsen, having accepted a construction of his status and consequent rights which had been adopted by the Government itself, but which was subsequently held, upon appropriate consideration, to be erroneous, ought not to be deprived of any substantial benefit resulting from the change in the authoritative construction of the law by reason of his action taken while the error of construction was acted upon by his superiors. He was held not to be entitled to retirement as an officer; he therefore accepted retirement as an enlisted man. In point of fact, he should have been regarded, and should have regarded himself, as entitled to retirement as an officer, and, under the circumstances of this case, he ought not to suffer by reason of the consequences of a mistake for which he was not responsible. From the facts stated in your letter, and which were shown by the memoranda accompanying your previous letter, of May 26, it seems to be quite clear that Mate Neilsen would not have been entitled to retirement under section 11 of the personnel act until April 16, 1902, when he should have attained the age of 62 years. When that date came, however, he was assumed by the department, and also by himself, to be already upon the retired list by reason of his irregular retirement of March 31, 1899. But for this action of the Government Mate Neilsen would have been, as your letter states, undoubtedly retired on April 16, 1902, and when I say, in the passage you have quoted, "his retirement of March 31, 1899, should be so corrected as to make it show such retirement * * * with the rank and retired pay of a warrant officer with twelve years' service, and from said original retirement," this must be understood as meaning a retirement from the period at which he would have been eligible for retirement under section 11 of the personnel act, namely, April 16, 1902. With this modification—or, rather, explanation—the opinion of June 5, 1908, correctly expresses my views of the law as applied to the case of Mate Neilsen.

I remain, sir,

Yours, very respectfully, CHARLES J. BONAPARTE,
Attorney-General.

The SECRETARY OF THE NAVY.

Both these opinions of the Attorney-General were then promulgated by the Navy Department, and the mates in question, Callander, Fuller, Neilsen, and Vennard, were, by the department, retired as officers, under the provisions of section 1444 of the Revised Statutes; and under section 11 of the act of Congress, approved March 3, 1899, were accorded the rank and pay of warrant officers, from the date on which they had each at-

tained the age of 62 years. The correspondence on this subject is as follows:

NAVY DEPARTMENT,
Washington, September 24, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated March 31, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of sixty-two (62) years, April 16, 1902, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of the next higher grade in accordance with the provisions of section 11 of the act of March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate HAROLD NEILSEN, U. S. Navy, Retired,
2646 Atlantic Avenue, Brooklyn, N. Y.

NAVY DEPARTMENT,
Washington, September 24, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated June 9, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of 62 years, September 22, 1900, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of next higher grade, in accordance with the provisions of section 11 of the act of March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate JOHN L. VENNARD, U. S. Navy, Retired,
United States Navy-Yard, Portsmouth, N. H. (Commandant).

NAVY DEPARTMENT,
Washington, October 23, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated May 22, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of 62 years, April 16, 1908, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of the next higher grade, in accordance with the provisions of section 11 of the act of Congress approved March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate ALBERT F. CALLANDER, U. S. Navy, Retired,
349 Bergen street, Brooklyn, N. Y.

The increased pay which these and the other mates heretofore mentioned receive by reason of their being regarded as mates on the retired list of the navy holding the rank of the lowest grade of warrant officer is $450 per year, and this rate of pay in each instance dated back to the time when they should have been properly retired.

In the case of Jenney, he received about $4,000 as back pay, as may be seen by reference to the letter of the Auditor for the Navy Department, as follows:

TREASURY DEPARTMENT,
Washington, May 5, 1908.

C. W. DE KNIGHT,
Attorney, Washington, D. C.

SIR: The claim of your client, William Jenney, mate, U. S. Navy, retired, for the difference between pay at $900 and at $1,350 per annum from September 26, 1899, to December 31, 1907, has been settled, and $3,718.75 found due.

As there are no funds available for the payment of the sum that accrued before July 1, 1904 ($2,143.75), it will be reported to Congress for appropriation. A warrant for that sum will be issued in his favor and sent to him when this has been made, which will probably be about the close of the present session.

A warrant for the remainder ($1,575) will be issued and mailed to him probably within ten days.

Respectfully, R. W. TYLER, *Auditor.*

While efforts were in progress one of these mates, Neilsen, died, while Mate Fuller had died previously, so that only two of these four officers, who had been erroneously retired as enlisted men, lived to enjoy the actual benefit of the efforts of their attorney in their behalf.

As before explained, the bill which I introduced, now on the table, it is unnecessary to pass, for the reason that, through the skill of their attorney, Mr. DeKnight, sufficient justification was found in law to give these mates that to which they were entitled.

In reviewing the history of the service of these mates in the navy and the little they have secured by way of recognition, and then only after strenuous efforts, I feel that too high a tribute can not be paid to the persistence and skill of their attorney, who worked unremittingly in their behalf, who brought the matter to my attention, who convinced me of the justice of their contention, and thus caused me to attempt to assist these deserving officers on the floor of this House.

In closing my career in Congress, I desire to pay tribute to the memory of these mates by calling attention to their worth, as shown by the report and debate on the bill which became the act of 1894, then pending in this House.

The following is an extract from pages 6965 to 6967 of the CONGRESSIONAL RECORD of June 28, 1894, Fifty-third Congress, second session:

PAY AND RETIREMENT OF MATES IN THE NAVY.

Mr. CUMMINGS. I now call up the bill (H. R. 38) relating to the pay and retirement of mates in the United States Navy.

The bill was read as follows:

"*Be it enacted, etc.*, That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy, and the said mates shall be entitled to receive annual pay at the rates following: When at sea, $1,200; on shore duty, $900; on leave or waiting orders, $700: *Provided, however*, That nothing herein contained shall be so construed as to authorize any increase of pay for any time prior to the passage of this act."

Mr. CUMMINGS. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

Mr. DOCKERY. I think that the bill had better be considered in Committee of the Whole.

Mr. CUMMINGS. I move that the House resolve itself in Committee of the Whole House for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LESTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill, the title of which the Clerk will report.

The title was again reported.

Mr. HOLMAN. I hope the report will be read in the first instance.

Mr. CUMMINGS. If the gentleman will allow me, I will read nearly all the report in explaining the bill.

Mr. HOLMAN. Very well.

Mr. CUMMINGS. Mr. Chairman, by the act of July 15, 1870, the further appointment of acting masters' mates or mates in the United States Navy was stopped. It left the mates already in the navy on duty, and those mates, or what there are left of them, are carried on the Navy Register to-day. Death has laid its hand upon them. There are only 27 left. They were appointed under the act of July 24, 1861. Section 2 of the act of March 3, 1865, provided that acting masters' mates should be styled mates, and authorized the increase of their pay to a sum not exceeding $60 a month.

The act of July 2, 1864, designated boatswains, engineers, carpenters, and sailmakers as warrant officers; and under sections 1448 and 1455 of the Revised Statutes these warrant officers are retired the same as commissioned officers; but you will notice that the act left out the mates in the navy.

Mr. HOLMAN. That is the real point.

Mr. CUMMINGS. They were neither warrant nor commissioned officers. The omission was undoubtedly an inadvertence at the time, because everybody upon the floor of this House must know that a mate is a superior officer to a boatswain or a carpenter. They were thus deprived of the benefits of a law passed for the retirement of commissioned and warrant officers.

Mr. DOCKERY. Then, as I understand my friend, the effect of this bill under consideration is to increase the retired list to the extent of 27 mates.

Mr. CUMMINGS. The effect is to increase the retired list to the extent of 27 noncommissioned officers who ought to be on the list, or the retired list itself be abolished.

Mr. HOLMAN. Which is the proper thing?

Mr. CUMMINGS. One or the other.

Mr. HOLMAN. Which is the proper thing?

Mr. CUMMINGS. Are you going to legislate in favor of commissioned officers and against old tars? The injustice here, it seems to me, is perfectly apparent.

Mr. DOCKERY. What would be the cost?

Mr. CUMMINGS. I will come to that in a minute. I want to say that there are 27 of these old men in the service. They have served from twenty-five to forty-five years in the navy as acting masters' mates or mates. And in the face of all this service you discriminate against them. They are getting old and have families to support. Why, sir, some of these very men are to-day practically commanding vessels in the United States Navy.

This House will surely take into account the fact that boatswains and carpenters are on the retired list, while these gallant old tars, some of whom served in the Mexican war, and all of whom served in the last war, are to be left stranded through an inadvertence at the time the law was passed placing warrant officers on the retired list.

Now, I want to say that Secretary Chandler, Secretary Whitney, Secretary Tracy, and Secretary Herbert have all earnestly favored the passage of this bill. They have acknowledged its justice. It has repeatedly been favorably reported, both in the House and in the Senate, in different Congresses. Until to-day nobody has championed the rights of these old salts, but in almost every Congress you find men willing to champion the aspirations of commodores and admirals on the retired list who are seeking an increase of pay.

Now, Mr. Chairman, it is not necessary for me to expatiate further. The fact that these old jack tars have suffered from this injustice ever since 1864 ought to commend to you their demand for justice now.

I quote the following letter here, written on behalf of these mates. It reflects credit on the admirals, commodores, and commanders who have signed it:

WASHINGTON, D. C., *July 1, 1886.*

To the Naval Committees of the Senate and House of Representatives.

HONORABLE SIRS: The mates of the navy are efficient officers, having performed the duties of commanding, executive, and deck officers for many years, some having served upward of forty years as enlisted men and officers.

Nearly all served in the United States Navy during the late war, and some were in the service during the Mexican war.

They have the same uniform, mess bill, and other expenses that warrant officers have, and in line of duty take precedence of warrant officers.

They are the only ones who do not receive longevity pay, and should receive the same as warrant officers, and also the benefits of the retired list as now allowed to all other officers.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral; Thornton A. Jenkins, rear-admiral; John L. Worden, rear-admiral; C. R. P. Rodgers, rear-admiral; E. T. Nichols, rear-admiral; T. H. Patterson, rear-admiral; Henry Walke, rear-admiral; J. M. B. Clitz, rear-admiral; Wm. E. Leroy, rear-admiral; A. C. Rhind, rear-admiral; D. B. Harmony, commodore; W. W. Queen, commodore; L. A. Kimberly, commodore; Ralph Chandler, commodore; D. L. Braine, commodore; W. T. Truxton, commodore; Montgomery Sicard, captain; R. R. Wallace, captain; Geo. C. Remey, captain; J. Fyffe, captain; Albert Kautz, captain; R. L. Law, captain; Geo. Brown, captain; J. N. Miller, captain; M. Haxton, captain; A. P. Cook, captain; S. Casey, commander; A. H. McCormick, commander; J. H. Sands, commander; A. G. Kellogg, commander; M. L. Johnson, commander; H. B. Selly, commander; Theodore F. Kane, commander; J. C. Watson, commander; H. B. Robeson, commander; Wm. Whitehead, commander; Geo. W. Coffin, commander; P. F. Harrington, commander; C. M. Schoonmaker, commander; C. S. Cotton, commander; C. McGreger, commander; John McGowan, lieutenant-commander; Geo. M. Book, lieutenant-commander; Geo. N. Totten, lieutenant-commander; C. A. Schetky, lieutenant-commander; Jas. M. Forsyth, lieutenant-commander; O. W. Farenholt, lieutenant-commander.

I concur in the representation made in this communication.

WM. E. CHANDLER.

Mr. Chairman, I do not think it necessary to climb the heights of eloquence on behalf of these veteran and patriotic sea dogs of the American Navy. They were warrant officers, even if they did not receive their warrants. They ought to have received the courtesy at least that a corporal in the army gets from his colonel. You will find them acting as executive officers on men-of-war to-day, and in some instances even acting as commanders of vessels. The *Fishhawk*, used by the Fish Commission, has been under command of one of these mates. Still he was not even granted the courtesy of a warrant; he had no commission at all except his forty years' term of service.

Mr. Chairman, if no gentleman desires to oppose this bill, I would like to get a vote upon it. Let us give these old tars justice while we have the opportunity.

Mr. DOCKERY. Mr. Chairman, I wish to be heard on this question very briefly. The proposition presented by this bill is an extension of the retired list of the navy. So far as I know, Members of this House on both sides have been indisposed in recent years to extend the retired list, either of the army or of the navy.

This bill proposes to make eligible for retirement on the naval list 27 mates, who, as I see by the report, were not included in the provisions of the act of July, 1864, which permitted certain naval officers to be retired at certain ages.

Now, Mr. Chairman, I am not familiar with the laws relating to retirement of officers, either of the navy or of the army; but I am conversant with the general opposition which the people have expressed through their Representatives on this floor against the further extension of special retiring privileges, either to officers of the army or officers of the navy. Mr. Chairman, in times like these, when thousands, yea, hundreds of thousands, of men in this country are out of employment, with nothing to do, tramping the country, when manufactories are closed and general industrial paralysis extends over the country, is it wise for us as the Representatives of the people to add this burden to the taxpayers of the United States?

Mr. CUMMINGS. I suggest to the gentleman that it is wise to do justice to the defenders of this Union at any time. [Applause.]

Mr. DOCKERY. Then why was not this measure of justice meted out by the act of July 2, 1864, if this class of men were entitled to special recognition? The gentleman from New York says that it was doubtless an inadvertent omission, but——

Mr. CUMMINGS. And Secretary Chandler says so, too.

Mr. DOCKERY. But there is nothing shown in the report which I have hastily glanced over which indicates that such was the case. It seems, Mr. Chairman, to have been a deliberate purpose on the part of Congress at that time to make this omission. If not, I hope it will be the deliberate voice of this House, expressed in disapproval of this bill, that we will not, at least at this moment of industrial paralysis, add this burden to the people whom we have the honor to represent.

Mr. CUMMINGS. Mr. Chairman, there seems to be an impression in the House that by the retirement of these 27 mates somebody will be promoted to their positions. There is not the shadow of truth in such an insinuation. There are no mates in the United States Navy to-day except these men. The rank has been abolished, and it is a rank. These are the only mates left. In discriminating against them by retaining them in service in their old age you are practically punishing them for doing their duty toward the country.

Mr. HALL of Missouri. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. I will.

Mr. HALL of Missouri. My colleague [Mr. Dockery] makes the point that this bill will increase the burdens of taxation. I want to know whether, when anyone is retired from active service in the army or navy, he does not go on the retired list with less pay than he received when on active duty?

Mr. CUMMINGS. Certainly. It is cheaper to put these men on the retired list than to retain them in active service.

Mr. HALL of Missouri. Then, by passing this bill we shall decrease taxation instead of increasing it.

Mr. CUMMINGS. Practically so.

Mr. DOCKERY. Will the gentleman from New York [Mr. CUMMINGS] give us the figures showing a decrease of taxation? I should be glad to have that shown. If this is a measure to decrease taxation, I should like to know just how it accomplishes the result.

Mr. HALL of Missouri. Will the gentleman from New York allow me one other question in order to clear this matter up?

Mr. CUMMINGS. Mates receive, when on sea pay, $900; on shore-duty pay, $700; and on leave or waiting-order pay, $500.

Mr. HALL of Missouri. And if they go on this list they receive less?

Mr. CUMMINGS. If they go on the retired list they get three-quarters pay.

Mr. DOCKERY. But you give them pay for doing nothing when they are put on the retired list.

Mr. CUMMINGS. Does not an admiral get pay for doing nothing when he goes on the retired list? Is there not just as much justice and right in putting these men on the retired list when they are incapacitated by old age from active service?

Mr. COX. Let me ask the gentleman from New York a question.

Mr. CUMMINGS. Certainly.

Mr. COX. The proposition is to retire these men at a rate of compensation less than what the Government is now paying them?

Mr. CUMMINGS. Exactly.

Mr. COX. Now, when you retire them and put them on a less compensation than they are receiving now, do I understand it is stated correctly that there are none others to take the places of these men, and that the office is abolished?

Mr. CUMMINGS. There are none others to take their places. The rank is abolished.

Mr. COX. Then is it not a reduction of expenses to the Government?

Mr. CUMMINGS. Certainly; that is the practical effect.

Mr. BYNUM. Why is it a benefit to these men to reduce their salaries, then?

Mr. CUMMINGS. Because they are old and want to go home to their wives and families, the same as you do when it gets too hot in this House. [Laughter.]

Mr. BAILEY. Mr. Chairman, I always differ very reluctantly with my distinguished friend from New York [Mr. CUMMINGS], for I know that in most cases he is right. I may even go so far as to agree with him in his statement that if there is anybody on the retired list who ought to be there, these men ought to go on it. If there is any sense or any justice in putting men on the retired list who, when in active service, received a salary of $5,000 a year, there is greater sense and far more justice in putting a man on that list who in active service received only $900 a year.

But while agreeing with my friend from New York to that extent, my opposition to all bills of this kind is based upon the belief that no living man has a right, without working for it himself, to eat the bread that other people earn by their labor. If these men have suffered in the service of their country, there is a pension roll which is accessible to them, a roll that is maintained now and has been maintained by this Government every hour since the first Congress assembled under the Republic; and if they have won for themselves a right, by their services to their country, to be cared for by their countrymen, I will vote to put them upon it.

Mr. CUMMINGS. Does not that pension roll apply to admirals and commodores and other officers as well?

Mr. BAILEY. Certainly it does, but the gentleman from New York does not contradict me and can not make me appear inconsistent by that suggestion, because I have never supported a proposition to put an admiral on the retired list, and I never will.

Now, the truth is, and we had just as well understand it, that the aversion to men going on the pension roll instead of the retired list is this: If they go on the pension list, they continue to draw for twenty years, if they live that long, exactly what they got on the first day they were placed upon it; but, on the other hand, if they are placed on the retired list, they draw not only what they first began to draw, but for every five years they remain upon the list there is an increase of compensation of 10 per cent for each five years until the original compensation may be increased 40 per cent.

Now, we have the remarkable anomaly under this system that an officer of the army, who in active service gets $1, when he retires and does nothing, if he remains on the retired list long enough, he will get $1.15. In other words, he gets $1 when he works and $1.15 when he plays.

Mr. WHEELER of Alabama. One dollar and five cents.

Mr. BAILEY. No; he can get 40 per cent as longevity pay.

Mr. WHEELER of Alabama. And it amounts to $1.05, under the gentleman's statement.

Mr. BAILEY. The gentleman's arithmetic is bad. Forty per cent added to 75 makes 115 per cent.

Mr. COOMBS. But this would come to $1.05.

Mr. BAILEY. Well, Mr. Chairman, here is another gentleman whose arithmetic is worse than his politics, if that is possible. Both the gentleman from Alabama [Mr. Wheeler] and the gentleman from New York [Mr. Coombs] are mistaken.

The 10 per cent allowed for each five years, it is true, is computed on the retirement pay; but this 10 per cent can be allowed for each five years until it equals, in the language of the law, "40 per cent on the yearly pay of the grade" held by the officer when he retired. He retires on 75 per cent of his original salary, and he may be allowed longevity pay equal to 40 per cent—not of his retired pay, but 40 per cent of his original pay—and certainly gentlemen will not dispute that 40 added to 75 makes 115. I therefore repeat my statement that when he works he gets $1 and when he plays he gets $1.15, and this is the reason why gentlemen prefer the retired list to the pension roll.

Mr. Chairman, I believe this bill ought not to pass.

Mr. DOCKERY. Do I understand the gentleman from New York to state that this office is abolished?

Mr. CUMMINGS. It is abolished.

Mr. DOCKERY. What are these 27 men doing now?

Mr. CUMMINGS. They were left there by the law, which provided that no further mates should be appointed.

Mr. DOCKERY. What officers succeed them?

Mr. CUMMINGS. I do not know that any officers succeed them.

Mr. DOCKERY. Some one must be performing the duties heretofore performed by them.

Mr. CUMMINGS. Not necessarily. The change in the style of ships, and in the method of managing them, has brought about a change in the duties necessary to be performed. Ships do not depend upon wind any longer, as Congress seems to do at times. [Laughter.] Ships depend upon steam, and the mates of the old men-of-war are no longer required. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. DOCKERY. Division!

The committee divided; and there were—ayes 111, noes 33.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Lester, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 38) relating to the payment and retirement of mates in the United States Navy, and had instructed him to report it to the House with the recommendation that it do pass.

Mr. CUMMINGS. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading, and was accordingly read a third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. DOCKERY. Mr. Speaker, I ask for a division on the passage of a bill that increases the retired list.

The House divided; and there were—ayes 103, nays 32.

So the bill was passed.

On motion of Mr. Cummings, a motion to reconsider the vote by which the bill was passed was laid on the table.

[House Report No. 851, Fifty-third Congress, second session.]

PAY AND RETIREMENT OF MATES IN THE UNITED STATES NAVY.

Mr. Cummings, from the Committee on Naval Affairs, submitted the following report to accompany H. R. 38:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 38) relating to the pay and retirement of mates in the navy, having duly considered the same, submit the following report:

The passage of the act of July 15, 1870, stopped the further appointment of acting masters' mates or mates in the United States Navy. It left the mates already in the navy on duty, and they are carried on the Navy Register to-day. They were appointed under the act of July 24, 1861. Section 2 of the act of March 3, 1865, provided that acting maters' mates should be styled mates, and authorized an increase of their pay to a sum not exceeding $60 per month. The naval appropriation bill of July 15, 1870, section 3, fixed the pay of mates as follows:

	Per annum.
Sea pay	$900
Shore-duty pay	700
Leave or waiting-orders pay	500

The act of July 2, 1864, designated boatswains, engineers, carpenters, and sailmakers as warrant officers, and under sections 1448 and 1455, Revised Statutes, they are retired the same as commissioned officers. Under existing law mates who were left in the service are not classed as either commissioned or warrant officers, and therefore can not receive the benefits of the laws providing for the retirement of officers of the navy. There are now 27 of these old mates in the naval service. They have served from twenty-five to over forty years in the navy as acting masters, acting ensigns, and mates. They are all getting old and have families to support. Their ages are from 50 to 65 years. The best days of their lives have been spent in the navy. They ask only for the benefit of the retired list the same as all other officers and enlisted men. Secretaries Chandler, Whitney, Tracy, and Herbert have all favored the passage of the bill, and it has been repeatedly reported favorably in both the House and Senate.

The following is a list of the mates now in the navy, with their ages and total length of service in the Navy, Army, and Marine Corps as acting ensigns, mates, and in other ratings to March, 1894:

No.	Name.	Age.	Years of service as shown in Navy Register.	Years of service not credited in Navy Register.	Total years service.
1	James W. Baxter	54	45		45
2	W. W. Beck	66	32		32
3	Thomas W. Bonsall	58	29		29
4	William Boyd	58	27		27
5	A. F. Callander	48	24	3	27
6	C. H. Cleaveland	52	30		30
7	J. M. Creighton	47	27		27
8	H. C. Fuller	55	30		30
9	L. B. Gallagher	48	24	6	30
10	Samuel Gee	56	24	12	36
11	John Griffin	60	33		33
12	James Hill	55	24	6	30
13	Frank Holler	61	27	6	33
14	William Jenney	58	30		30
15	Hugh Kuhl	58	33		33
16	L. M. Melchor	45	26	3	29
17	C. J. Murphy	52	29	4	33
18	Harold Neilsen	54	23	10	33
19	Benjamin G. Perry	70	28	9	37
20	Robert Robinson	54	32	4	36
21	J. A. Smith	54	32		32
22	S. T. C. Smith	49	28		28
23	William G. Smith	55	36		36
24	C. H. Thorne	56	30	3	33
25	P. C. Van Buskirk	62	24	8	32
26	John L. Vennard	55	29		29
27	Charles Wilson	57	28	8	36

Twenty-seven years' service	3
Twenty-seven to thirty-two years' service	12
Thirty-two to thirty-seven years' service	11
Forty-five years' service	1
	27

These mates have always taken precedence of warrant officers, who, under the law, are entitled to be placed on the retired list. There is no reason why this distinction should be made.

The following is an extract from the report of the Committee on Naval Affairs of the Fifty-first Congress, submitted by Mr. Boutelle:

"By the act of July 24, 1861 (12 Stat. L., 272), certain appointments for the temporary increase of the navy, including those of masters' mates, were authorized and ratified. Section 2 of the act of March 3, 1865 (13 Stat. L., 539), 'to increase the pay of midshipmen and others,' provided that acting masters' mates should be styled 'mates,' and authorized an increase of their pay to a sum not exceeding $60 per month.

"The naval appropriation bill of July 15, 1870 (16 Stat. L., 330), section 3, fixed the pay of mates as follows: Sea pay, $900; shore-duty pay, $700; leave or waiting-order pay, $500. This provision is now embodied in section 1556, Revised Statutes. The same act having repealed, except as to assistant surgeons, the authority for the appointment of temporary or acting officers in the navy, there have been, since the passage of the act of July 15, 1870, no further appointments of acting masters' mates, or mates, nor has there been since then any change in the status or pay of mates in the navy.

"The act of July 2, 1864, now section 1406, Revised Statutes, designates boatswains, gunners, carpenters, and sailmakers as 'warrant officers,' and under sections 1448–1455, Revised Statutes, they may be retired the same as commissioned officers.

"Under existing law, however, mates are not classed as commissioned or as warrant officers, and therefore can not receive the benefit of the laws providing for the retirement of officers of the navy.

"Section 1408, Revised Statutes, authorizes the Secretary of the Navy, should the exigencies of the service so require, to cause seamen and ordinary seamen who have enlisted for not less than two years to be rated as mates, with the pay now provided by law for that grade; but that provision would not be affected by this bill, the operation of which is confined to the mates now in the service.

"By section 1556, Revised Statutes, the pay of 'warrant officers,' i. e., boatswains, gunners, carpenters, and sailmakers, is fixed as follows:

Term of service.	At sea.	On shore duty.	On leave or waiting orders.
First three years after date of appointment	$1,000	$900	$700
Second three years after date of appointment	1,300	1,000	800
Third three years after date of appointment	1,400	1,300	900
Fourth three years after date of appointment	1,600	1,300	1,000
After twelve years from date of appointment	1,800	1,600	1,200

"As all the mates now in the service have served more than twelve years since the date of their appointment, their pay will be increased by this bill to $1,800 sea pay, $1,600 shore duty, $1,200 leave or waiting orders.

"It will be borne in mind that although the mates take precedence of warrant officers in line of duty their pay has always been much less, and they have been entirely deprived of the increase of pay for longevity of service which is given to all other officers.

"The committee find that some of these mates have been in the service upward of forty years as enlisted men or officers; that nearly all of them were appointed and served in the navy during the late war, while some were in the service in the Mexican war, and that many of them have performed the duties of commanding, executive, and deck officers, intrusted with the responsibilities that would be imposed upon ensigns and lieutenants. Their efficiency and usefulness is attested most cordially in memorials presented to the committee bearing the signatures of Admiral Porter, Vice-Admiral Rowan, Rear-Admirals Jenkins, Worden, Rodgers, Nichols, Patterson, Walke, Clitz, Leroy, and Rhind, Commodore Harmony, and many other of the foremost officers of the navy, who earnestly favor the placing of the mates on the same footing as the warrant officers, as do the last and the present Secretary of the Navy.

"In view of the long, faithful, and valuable service of these men, some of whom are now on the leave or waiting-orders pay of $500 per year, the committee believe that it will be but simple justice to grant them the benefits of longevity pay and of the retired list now enjoyed by warrant officers, and therefore recommend that bill H. R. 3301 do pass, with the following amendments:

"As one of the mates has died since this bill was introduced, amend by striking out the word 'four,' in line 5, and insert the word 'three,' so that it will read 'thirty-three officers,' etc. Also amend by striking out all of section 2 and insert as an addition to section 1 the following proviso:

"'*Provided, however,* That nothing herein contained shall be so construed as to authorize any increase of pay for any time prior to the passage of this act.'"

The case is very clearly stated in Senate Report No. 548 made to the Fifty-second Congress, first session, by Senator Chandler, formerly Secretary of the Navy. It says:

"Bills providing for the retirement of mates in the navy, and the regulation of their pay, have been favorably reported in the Fiftieth and Fifty-first Congresses, and justice to this small but efficient corps demands that action should be no longer delayed. When the first bill was reported the number of mates was only 33, and that number has dwindled down to 28. Of these 1 has served forty-three years, 14 over thirty years, and 13 over twenty years each. Most of them are well advanced in years and have families dependent upon them. Nearly all served during the late war, and some during the Mexican war.

"The pay of mates while on sea duty is $900 per year, on shore duty $700, and on leave or waiting orders $500. Of the 28 mates 22 are on shore duty, 1 is on waiting orders, and only 5 are on sea service. They take precedence of warrant officers in line of duty, and yet the warrant officers are paid for the first three years' service $1,200 per year while on sea duty and $900 while on shore duty, and those amounts are increased every three years until after twelve years' service, when they receive $1,800 for sea and $1,600 for shore duty. With equal duties, equal mess expenses, and equal responsibilities, and with over twenty years' service every mate should now be receiving the highest amount paid to any warrant officer—$1,800 per year for sea duty, $1,600 for shore duty, and $1,200 while waiting orders. The bill which this report accompanies provides for paying them only $1,200 for sea and $900 for shore duty, and $700 while waiting orders. This proposition is far from being an extravagant one, especially when it is considered that these veteran mates, who have suffered from injustice for years, are constantly diminishing in numbers and in a short time will all be gone. The final amendatory clause of the bill as reported authorizes the Secretary of the Navy in his discretion to place any of the mates upon the retired list, and it is probable that most of them will at an early day be so disposed of.

"As to the propriety of allowing these officers longevity pay, there can be but one opinion. They are morally as much entitled to it as any other officers of the navy. It should have been given to them in the act of 1870, by which it was granted to all naval officers except

them. The reason for the neglect was probably that, being a small and inadequately paid corps, they did not assert themselves as forcibly as they might, while the understanding that no more appointments were to be made caused less attention to be paid to them than otherwise would have been the case. But whatever the reason, they were overlooked, and it remains for Congress to repair the mistake and to give these mates the benefit of a retired list as allowed to other naval officers."

The feeling in the navy concerning the bill is shown in the following letter:

WASHINGTON, D. C., *July 1, 1886.*

To the Naval Committees of the Senate and House of Representatives.

HONORABLE SIRS: The mates of the navy are efficient officers, having performed the duties of commanding, executive, and deck officers for many years, some having served upward of forty years as enlisted men and officers.

Nearly all served in the United States Navy during the late war, and some were in the service during the Mexican war.

They have the same uniform, mess bill, and other expenses that warrant officers have, and in line of duty take precedence of warrant officers.

They are the only ones who do not receive longevity pay, and should receive the same as warrant officers, and also the benefits of the retired list as now allowed to all other officers.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral; Thornton A. Jenkins, rear-admiral; John L. Worden, rear-admiral; C. R. P. Rodgers, rear-admiral; E. T. Nichols, rear-admiral; T. H. Patterson, rear-admiral; Henry Walke, rear-admiral; J. M. B. Clitz, rear-admiral; Wm. E. Leroy, rear-admiral; A. C. Rhind, rear-admiral; D. B. Harmony, commodore; W. W. Queen, commodore; L. A. Kimberly, commodore; Ralph Chandler, commodore; D. L. Braine, commodore; W. T. Truxton, commodore; Montgomery Sicard, captain; R. R. Wallace, captain; Geo. C. Remey, captain; J. Fyffe, captain; Albert Kautz, captain; R. L. Law, captain; Geo. Brown, captain; J. N. Miller, captain; M. Haxton, captain; A. P. Cook, captain; S. Casey, commander; A. H. McCormick, commander; J. H. Sands, commander; A. G. Kellogg, commander; M. L. Johnson, commander; H. B. Selly, commander; Theodore F. Kane, commander; J. C. Watson, commander; H. B. Robeson, commander; Wm. Whitehead, commander; Geo. W. Coffin, commander; P. F. Harrington, commander; C. M. Schoonmaker, commander; C. S. Cotton, commander; C. McGregor, commander; John McGowan, lieutenant-commander; Geo. M. Book, lieutenant-commander; Geo. N. Totten, lieutenant-commander; C. A. Schetky, lieutenant-commander; Jas. M. Forsyth, lieutenant-commander; O. W. Farenholt, lieutenant-commander.

I concur in the representation made in this communication.

WM. E. CHANDLER.

Confident that the Government owes this act of justice to these veterans in the service, your committee respectfully recommend the passage of this bill.

I wish to state that when the bill (S. 5337) for the relief of Mate William Jenney and others (said bill being identical in purport with H. R. 17059, introduced by myself) was reported favorably to the Senate, the report thereon (S. 434) called attention to a letter from Mate Beck.

Said letter is as follows:

196 SHURTLEFF STREET,
Chelsea, Mass., February 28, 1908.

DEAR SIR: I beg to request that you will kindly cause to be reported and passed immediately Senate bill 5337, for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

I was nominated and confirmed this session of Congress to be a mate on the retired list with the rank and pay of the next higher grade, but the comptroller rules that I do not get any higher pay, although everyone else benefited under the act of June 29, 1906, receives increased rank and pay by reason of civil-war service, and it was the intention of the law that I and my associates should likewise receive this increase.

I entered the service in 1856, at the breaking out of the rebellion, and was appointed master's mate and in 1864 was appointed an acting ensign; served as such until October, 1868, when I received my honorable discharge. I reentered the service in 1870 as a mate. I also served in the Mexican war in 1847.

Most of these mates are about 80 years of age, and unless this law goes through immediately we will be dead before it can do us any good.

The bill has the recommendation of the Navy Department.

Trusting that this letter will appeal to you, I am,

Very truly, yours,

WM. W. BECK,
Mate, United States Navy, Retired.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

Since the writing of that letter Mate Beck has died, his death occurring February 1, 1909, so that he did not long enjoy the benefits of the higher rank and pay accorded him for civil-war service.

Mate William Boyd, another of the beneficiaries, passed away on November 1, 1908.

Mate W. G. Smith was entitled to the rank and pay of the next higher grade under the act of June 29, 1906, from that date, but died June 9, 1907, before receiving the increased rank and pay to which he was entitled.

During the present session of Congress his name was sent to the Senate and he was confirmed on December 17, 1908. (See CONGRESSIONAL RECORD, p. 381.) In other words, he was nominated and confirmed about one year and a half after his death. His widow, Lydia Smith, has received $423.75, the difference in pay to which he was entitled.

By way of parenthesis I will say that another of the mates who has died since is Mate Samuel Gee. He served in the navy prior to the civil war, but during that event was a civilian employee in the navy-yard at Washington, D. C. He reentered the service in 1869. During the civil war Mr. Gee rendered quasi military service and was under the command of the commandant of the navy-yard at Washington. The commandant required the civilian employees of the navy-yard to perform military duty in the defense of the city of Washington. Furthermore, during the war Mr. Gee was sent on expeditions up and down the Potomac River and as far as Old Point Comfort and Jamestown, and, it is claimed, was under fire, but Mr. Gee did not receive the benefits of section 11 of the personnel act or of the act of June 29, 1906, though morally entitled thereto, because at the time he was not actually in the naval service. On May 4, 1908, a private bill (H. R. 21569) was introduced for Mr. Gee's relief, but had not been acted upon up to the time of his death, January 17, 1909.

Mate Henry C. Fuller was entitled to the rank and pay of the next higher grade, under the act of March 3, 1899, from July 25, 1901, but he died on June 25, 1907, before receiving this increased rank and pay. Subsequently his record was corrected, and his sister, Mrs. C. C. Fryer, has received $2,177.35, the difference in pay to which he was entitled.

Mate Neilsen should have received the rank and pay of the next higher grade under the act of March 3, 1899, from April 16, 1902, but died June 25, 1908, before receiving this additional rank and pay. Subsequently his naval record was corrected, and his widow, Virginia Neilsen, has received $3,028.98, the difference in pay to which he was entitled.

As already shown, the back pay which Mate Jenney received amounted to about $4,000.

The back pay of Mates Vennard and Callender dated from September 22, 1900, and April 16, 1908, respectively.

Mates Beck, Bonsall, Boyd, Griffin, Hill, Holler, Robinson, and S. T. C. Smith received difference in pay at the rate of $450 per year from June 29, 1906, and all of the mates heretofore mentioned, still living, are receiving this rate of increase.

In reciting these facts I do not wish to be understood as criticising the Navy Department or the accounting officers of the Treasury Department, as I feel that they have always attempted, so far as the law would permit, to give to these mates everything to which they were entitled.

In conclusion, I can only again say I am glad that it has been within my power to assist in seeing this belated justice done these old mates. From a review of their contention, now that they have won, it seems strange, indeed, that it was necessary to secure two decisions of the Comptroller of the Treasury and four opinions of the Attorney-General in order to obtain for them that recognition to which they were entitled. It seems strange, indeed, that it has taken over forty years to correct an inadvertent error made by our predecessors in not recognizing them as officers, entitled under the Revised Statutes to be retired as such. It seems still more incredible that such unremitting work was necessary to correct this mistake, even after Congress had, in 1894, passed a special act for their retirement, especially in view of the fact that they had seen service in the civil war and many during the Mexican war, and had performed the duties of commanding, executive, and deck officers for many years, and to whose efficiency and faithfulness of service Admiral Porter, Vice-Admiral Rowan, Secretary Chandler, Secretary Whitney, Secretary Tracy, and Secretary Herbert, and a host of other naval officials, had all testified. And yet, strange as it may seem, a study of the documents which appear in my remarks will show that such unceasing work was necessary before these old mates, veterans of two or three wars, were recognized as officers and given the full privileges of such recognition on retirement.

I have only one regret, and that is that so many of these old officers passed away without realizing that their country, though often tardy, is nevertheless always willing and anxious to do justice and give full recognition to those who have given the better part of their lives to its service and in its defense.

The long, faithful, patriotic, and efficient service of these old mates has proved a credit to our navy and will ever obtain for them a deserving place of honor in American history.

Consolidation of Pension Agencies.

SPEECH

OF

HON. JOHN A. M. ADAIR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 19, 1909,

On the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes.

Mr. ADAIR said:

Mr. CHAIRMAN: The question before the House is one of vast importance and deserves careful consideration. It not only affects the interest and welfare of the soldiers and their widows, but it also affects the Treasury of the United States. To begin with, let me say that I am in hearty sympathy with the report of the Committee on Pensions and am strenuously opposed to the amendment offered by the gentleman from Ohio. The committee proposes to consolidate the 18 pension agencies as they now exist into one agency and place the payment of all pensions under the Commissioner of Pensions, through a disbursing officer at Washington.

I am strongly in favor of this plan because of the great saving made possible by such a change. There would be an immediate saving of $68,000 annually on salaries of pension agents, $4,500 on account of rent of offices for the New York agency, $1,500 for the examination and inspection of agencies, and from $150,000 to $200,000 on clerk hire. In fact, when the new system is once established I believe there will be a saving in the expense of paying pensions of at least $400,000 annually. I feel confident that such consolidation will result in the economical execution of the pension laws, the prompt and efficient payment of all pensions, that the work incident to the payment of pensions will be expedited, and that no delay or inconvenience will be experienced. The Secretary of the Interior and the Commissioner of Pensions, who have made a careful study of this question of consolidation, are in favor of it. They believe it would do away with what at present is a serious duplication of work. The various agencies report to the central office at Washington, and much of the clerical work is done over again, which makes the employment of numerous clerks necessary. By the concentration and the centralization of the handling of the work in Washington, with the present organization in the Pension Office and with the introduction of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, they could, without interfering in the least with the expedition with which the pensioners receive their claims, transact all of that business in Washington and mail the checks to the pensioners in various parts of the country just as quickly as it is now done under the separate agencies, and with a great deal less expense.

The Commissioner of Pensions, in a letter upon the subject, makes the following statement:

> All pension checks must now be printed in this city and forwarded through the mails to the various pension agencies throughout the country. All vouchers to be executed by the pensioners are printed here in this city by the Government Printing Office and are forwarded through the mails to the various pension agencies to be prepared and forwarded to the pensioners. More than 100 different forms of vouchers are now required for the 18 pension agencies. As an illustration: Fifty-four different forms of vouchers are now required for pensioners under the act of February 6, 1907, 3 forms for each different agent, 1 at the $12 rate, 1 at the $15 rate, and 1 at the $20 rate. If all the pensions were paid by one disbursing officer, only 3 forms of vouchers would be required under this act instead of 54. All certificates issued by the bureau must first be forwarded to the pension agency, there to be reentered upon a different set of books and mailed to the pensioner from the agency. If all pensioners were paid from this city, the certificates would be issued by the bureau and mailed to the pensioners upon the same date they are now mailed to the pension agency. The pensioners would therefore receive the new certificates much more promptly than they do now. All vouchers, after being paid by the pension agent, must be again mailed to this city, to the Treasury Department, where the accounts are audited. This bureau can not furnish the latest post-office address of a pensioner or the State where the pensioner was last paid without first securing a report from the pension agent upon whose rolls the pensioner's name is inscribed. If all pensioners were paid from this city, all such information would be immediately available, which would greatly assist in the prompt dispatch of the correspondence of this bureau. All pension claims, as you are aware, are adjudicated here in this bureau; and if all payments were made here, a complete history of each case would be readily available and the bureau enabled to make prompt response to all inquiries.

I am sure, Mr. Chairman, there is an abundant supply of substantial reasons why these agencies should be consolidated. Both economy and the interests of pensioners demand it. What we want is the best service at the least cost, and if I believed it would be impaired or the interest of the soldier compromised by such consolidation, I would oppose it, no matter how great the saving might be.

But, Mr. Chairman, I believe too much money is being needlessly and unnecessarily expended in the continuing of these agencies, and that the $400,000 that could be saved annually by consolidation should be paid to the defenders of our country in the way of increased pensions. Ever since I became a Member of Congress I have been struggling for more liberal pensions for soldiers of the civil war and their widows. If I had my way about it I would do away with all unnecessary expense of agencies, special examiners, and boards of examiners and distribute the vast sum of money spent in this way by increasing the pensions of those who went out in the dark days of '61 to '65 and endured hardships and privations that you and I might enjoy this united country.

Why not give this money to the old soldier instead of spending it for officers and clerks, which the Secretary of the Interior, the Commissioner of Pensions, and everybody else knows are not needed? If anything more is to be done for the old soldier it must be done quickly. One by one they are dropping off, and it will soon be too late to pay the debt we owe to them for their valuable service.

I have introduced two bills, now pending before the Committee on Invalid Pensions, one to increase the pensions of private soldiers and the other to amend the "widows' pension law," passed April 19, 1908, striking out the date of June 27, 1890, and making it apply to all widows married up to the time of the passage of the bill.

There was no sense or justice in fixing this arbitrary date, and no one can assign a single reason why a widow who married a soldier subsequent to June 27, 1890, and nursed and cared for him for ten or fifteen years prior to his death should not be pensioned as well as the widow who happened to marry a few days or a few years sooner. I would like to see both of these bills reported out of the committee and passed during this session, but when I undertake to press them I am met with the argument that we must economize; that the revenues of the Government are now running short of paying expenses from $11,000,000 to $12,000,000 per month, and as long as this condition continues we must limit appropriations.

Let me say now, I am in favor of economy. I am in favor of cutting appropriations, but I do not want to do so at the expense of the soldier and the widow. I know our appropriations have grown to enormous proportions, the Fifty-ninth Congress having appropriated nearly $2,000,000,000. I agree that it is time to call a halt. The taxpayers are already groaning under the burdens imposed upon them, but the trouble lies in the fact that thousands are needlessly and uselessly expended in payment of salaries of unnecessary officers and clerks kept on the pay roll at the expense of the people. I know great pressure is brought to bear on those Representatives who have agencies in their districts by the employees of such agencies insisting that they be continued in order that they may remain on the pay roll. But we must remember the people are to be considered first and the beneficiaries of the agencies afterwards. This is a Government by and for the people, and not a Government for officeholders.

I am for the consolidation of these agencies, because it means both economy and better service. Not only should we economize in this way, but I am in favor of cutting out unnecessary expenditures all along the line. I believe in retrenchment and reform. Why, Mr. Chairman, it is now proposed to increase the annual appropriation, which is now $25,000, to $37,000 for the use of the President in maintaining horses, carriages, and automobiles. Not only that, but I learn that the Senate has just passed a bill increasing the salary of the President from $50,000 to $100,000 per year. Plenty of money to spend that the President may ride in carriages and automobiles at the expense of $37,000 per year, and in addition draw an annual salary of $100,000, but no money to appropriate when a decent and deserving pension is asked for the old soldier, whose service made the greatness and grandeur of this country possible.

Mr. Chairman, so far as I am concerned, I shall stand by both the President and the soldier, but I believe the present salary of the President is ample and sufficient, and under no consideration will I vote to increase it to the extent proposed. Neither will I support the proposition to appropriate $37,000 annually, in lieu of $25,000, for the maintenance of horses, carriages, and automobiles for the use of the President-elect. All of our Presidents up to this time have been able to get along

on $25,000 annually for this purpose, and I am sure our incoming President, Judge Taft, who I hope and believe will make one of our greatest and best Presidents, can do likewise. So long as I am a Member of this House I shall oppose all extravagant expenditure of the people's money, no matter by whom expended; but I shall always vote for and insist upon liberal appropriations for the payment of pensions.

I hope the amendment of the gentleman from Ohio will be defeated, and that the 18 pension agencies will be consolidated, thereby saving at least $400,000 annually, and that this amount so saved will be used in the payment of increased pensions to soldiers of the civil war.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. W. BOURKE COCKRAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. COCKRAN said:

Mr. SPEAKER: On the 14th day of February, 1909, Members of Congress approaching the Capitol saw the flag at half-mast and thus for the first time were apprised of a great loss that had befallen the public service. DANIEL L. D. GRANGER, a Representative in Congress from Rhode Island, died during the previous night. His last illness had been long and tedious, but he had persisted with such firmness in attempting to continue the performance of his duties that few realized the desperate state of his health when he appeared in the Committee on Ways and Means during the public hearings lately held on the tariff. This iron determination to remain at his post under conditions so painful that a man of less rugged fiber would have considered himself justified in employing all his time and thought in efforts to alleviate his physical suffering illustrates strikingly the scrupulous fidelity to duty which was the dominant feature of his character and which explains his long career of self-renunciation, of usefulness, and of honor.

It would be profitless to repeat here the account of his life and of his public services, already given in complete and loving detail by others among the colleagues who served with him and the friends who revere his memory.

There is, however, one aspect of his career which, I think, deserves special mention for the light it sheds upon the political system of which he was an important feature and on the quality of the citizenship which he adorned.

When we recall the length of his public service, the various offices he filled in his own State, as well as in the Nation, and the success he achieved in each, the fact that his death has been followed by no evil consequences to the body politic establishes conspicuously the excellence of our political system. In any other country the death of such a valuable public servant must have left a palpable void in the machinery of government. His sudden removal from the popular representative body, and from its most important committee, must have been followed by some impairment of its efficiency, if not by serious disturbance of its operations. The fact that notwithstanding his sudden abrupt removal the efficiency of the House remains unimpaired, the current of legislation uninterrupted, the stability of government unaffected prove conclusively that to the perfection of our political system no one life is absolutely essential.

While, however, no man is indispensable to the efficiency of our Government, it is nevertheless by the virtues and patriotic activities of all men subject to its authority that its functions must be performed, its vigor maintained, its excellence advanced. Effective maintenance of such a system is possible only where civic virtue of the highest order is a common possession of its citizens. To have become distinguished in such a citizenship establishes higher merit than to have become indispensable in a community composed of baser elements. The extent to which our late colleague achieved this distinction can be judged by the spontaneous expressions of regret which his death has provoked. The highest praise which a public servant under our system can deserve is that which the unanimous voice of his fellows bestows on DANIEL L. D. GRANGER. He took a foremost place in the foremost representative body of the foremost Nation of the world, and he proved himself worthy of it. To have merited this universal acknowledgment is the noblest crown that can reward a useful life of unwearied, unselfish public service.

That he has merited it fully and completely is shown by the profound respect in which all his associates, in common with the whole body of the American people, hold the character he established, the high value they place on the virtues he possessed, the deep gratitude with which they appreciate the services he rendered, the pride and affection with which they treasure the memory he has left.

Insufficiency of Appropriation Made for the Building of Colored Schools in the District of Columbia.

SPEECH

OF

HON. J. VAN VECHTEN OLCOTT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

Mr. OLCOTT said:

Mr. SPEAKER: I feel it my duty to call attention to an error and oversight in H. R. 25392—

An act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

The error and oversight are in respect to the appropriations in the item of buildings and grounds for the colored public schools of the District of Columbia. H. R. 25392 contains items for colored public schools as follows:

(*a*) For erection of a four-room addition to Lovejoy School building, $32,000.

(*b*) For purchase of additional grounds adjacent to Garfield School, approximately 85,000 square feet, $3,000.

(*c*) That the appropriation of $26,000 made in the District of Columbia appropriation act for the fiscal year 1902, for 1 four-room building and site, Brookland (colored), seventh division, is hereby made available for the purchase of site and construction of a 2-room school building at such a point in or near Brookland as may be selected by the Commissioners of the District of Columbia.

The third of these items (*c*) is not a new appropriation, but a provision whereby an appropriation made eight years ago may now be applied to the building of a two-room schoolhouse in Brookland in place of the Bunker Hill Road School, instead of a four-room schoolhouse as originally provided. The second item (*b*) is not a new appropriation, but only a continuation and completion of a former appropriation for the Garfield School. The first item (*a*) is the only new appropriation included in H. R. 25392 for buildings and grounds of colored public schools in the District of Columbia. In a word, the aggregate appropriation for buildings and grounds for colored schools provided by the act is only $32,000.

On the other hand, it is a fact in the colored schools (1) that in the elementary grades over 11 classes above the second grade are now being taught upon a half-day basis in unavoidable violation of the law, because there are neither permanent nor portable buildings enough to accommodate these children; (2) that the colored elementary schools have not one adequately equipped manual-training center, in spite of the great need for hand as well as head training; (3) that the Armstrong Manual Training School—a high school—and the M Street High School are very greatly overcrowded, to the great injury of their instruction and training, and that this congestion grows worse each year; (4) that the normal school, which trains all the teachers in the colored elementary schools and consequently all the teachers of the vast majority of the colored children of Washington, is at present ludicrously housed in parts of two elementary school buildings to the grave embarrassment of its important work; (5) that some of the schoolhouses are unfit for use; for example, the dilapidated wooden structures at Fort Slocum, Chain Bridge road, Ivy City, Benning road, and Birney annex.

The most casual and superficial inspection of the facts make it clear that the colored public schools of the District of Columbia are in great need of appropriations for buildings and grounds.

In the management of the public schools and their expenditures it is recognized that the negro population and the negro pupils of the public schools comprise one-third of the whole enrollment. The supreme court of the District of Columbia has appointed three colored members of the board of education out of a membership of nine.

It is recognized by the board of education and the Board of Commissioners of the District of Columbia and by the committees of Congress that the appropriations for colored schools and white schools should be in this ratio. The board of education and the Commissioners of the District of Columbia accordingly joined in recommending to Congress new appropriations in the sum of $327,000 for the buildings and grounds of the colored public schools of the District of Columbia.

But H. R. 25392, as passed by the House of Representatives and by the Senate prior to conference, provides for new appropriations in the item of buildings and grounds for white schools aggregating $993,000, as against $32,000 for colored schools. This astonishing disproportion is a very serious matter. It seems to me to be contrary to the demands of justice and the public welfare when one-third of the whole enrollment of pupils in the public schools at the capital of the Nation receives in the item of buildings and grounds, as provided in the bill, only 3 per cent of the aggregate appropriation.

It is not necessary at this time to argue in regard to the necessity for making proper provision for the education of all children in the city of Washington, both white and black. In such education rests the safety of the community, and no expenditure of the Government can possibly be made more important than the proper housing of children who are educated at public schools. It does not seem possible that the appropriation in the expenditures for schools for the colored children and the white children could have been specifically brought to the attention of the subcommittee on appropriations that had charge of the bill for the appropriation for the District of Columbia. Provision must be made for all children in the District, both white and black, and such provision must include the erection of proper fireproof structures, and, even at a time when a deficit in the Treasury stares Congress in the face, it will be the falsest kind of economy not to provide suitable buildings for the education of children in the District.

I hope, when the Committee on Appropriations takes up the question of making provision for the care of the schools in the District at the next session of Congress, they will see that a proper sum is appropriated for the colored schools as well as the white schools, and I shall so use my best endeavors at the proper time to urge the committee to make such provision.

Ocean Mail.

SPEECH
OF
HON. CHARLES B. LANDIS,
OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

The House having under consideration the bill S. 28, having for its object the betterment of mail facilities between the United States and China, Japan, the Philippines, Australasia, and South America—

Mr. LANDIS said:

Mr. SPEAKER: I shall vote for this bill. I would vote for it if it were broader and more generous in its provisions. I sincerely trust it may prove a start toward such a rehabilitation of the American merchant marine as will restore our flag to the relative position it occupied in commerce and trade on the high seas many, many years ago. The only fear I have is that the inducements offered will not prove sufficiently attractive to American investors to lead them to take advantage of its provisions.

On a former occasion I voted against a bill similar to this. I cast that vote blindly. I was not informed. I was also influenced by prejudice. I contend that no man can fairly study and investigate this question without coming to the conclusion that it is vital to the Republic to at once take such steps as will lead to our participation in ocean commerce. If this bill passes, we will have made a modest start.

The application of this bill is limited to Australasia, Japan, China, the Philippines, and South America. Our tonnage on the Pacific has been cut in two within the past two years. Our ships have been unable to compete with the ships of Japan and other nations. The Pacific Mail would have gone out of business or taken a foreign flag ere this but for the fact that it was so intimately associated with the Hill system of railroads as to guarantee its life. The Chicago, Milwaukee and St. Paul will soon be built through to the coast. That road has, I understand, made arrangements with a Japanese steamship company to transport its shipments to the Orient. American vessels on the Pacific have been going out of business rapidly. They can not afford to remain in the business. They are being driven out by the cheap wages, the cheap food, and the cheap sleeping quarters, which are acceptable to sailors under foreign flags. The situation is embarrassing; it is humiliating. I contend that it is little less than a national menace.

That American vessels flying the American flag and carrying American products should go to China, to Japan, to the Philippines, and to Australasia can not, I submit, admit of dispute. But it is that provision of this bill which reaches out toward South America that is most attractive to me—toward all Latin America, the most inviting field for business conquests on the entire globe. I believe if this bill becomes a law, if this line is started to South America, it will prove a great trunk line for all Latin America, for Mexico, Central America, the West Indies, as well as for South America.

By the republics of Latin America I mean Mexico, and the republics of Central America—the republics of the West Indies and of South America—twenty of them in all. I mean those republics which joined with the United States last year in laying the corner stone of that building in this city which is to be the home of the International Bureau of the American Republics. Over that temple 21 flags, each representing a separate and distinct national sovereignty, will have a right to fly. No such a consummation in international society has ever before been reached, and I doubt if in the future it will ever have a parallel.

A century hence the historian will marvel at the apparent lack of interest this Republic has shown in those countries and in those people in this hemisphere, who, from every point of our national interest, should have been the objects of our keenest solicitude. Like ourselves they occupy territory far removed from the scene of Old World politics, and like ourselves, through stress and turmoil, they have been working out the problem of independent self-government.

It would seem that there would have been a kinship in mutual hope and ambition which, from the very start, would have cemented social and business bonds, resulting by this time in a hemispherical compactness that would forever forestall any or all European nations from gaining a primacy in the commercial affairs and general interests of the people to the south of us. But it has not worked out in this way. We find that the people of the United States have been too busy with their own affairs to give any particular attention to the affairs of their southern neighbors. Through the years there has been more or less trade between the United States and Latin America, but it has not been the result of negotiation nor cultivation nor neighborly exchange. What they have bought of us, or what we have bought of them has had upon it the absolute and unmistakable brand of advantage. It has never known the flavor of the neighborhood; it has never carried with it a touch of sentiment. I will not say it has been the fault of Latin America. It is a matter of record that on several occasions, in years long past, the strongest of those nations made overtures to us which, if accepted in the spirit offered, would have worked wonders through the years that followed. But there seemed to be an assumed loftiness on our part, a superlativeness that chilled and drove away those who should have been our most intimate neighbors and our most confidential friends.

Blaine saw the mistake and took the first great step to rectify it. His effort was followed in a way, but not with any great enthusiasm, by Harrison, Cleveland, and McKinley. It remained for the present occupant of the White House and his splendid Secretary of State, Mr. Root, to approach and surround and invest and inspire the situation so as to lift the Pan-American idea up, high up, so high up that the whole world is to-day eagerly watching whatever move we may make to regain lost ground and to effect an entrance into territory which we have not only neglected, but toward which we seem to have displayed a studied indifference.

Within the next four years the Panama Canal will be completed. The currents of ocean commerce in this Western Hemisphere are going to be changed. There will be one "cross-roads" at which the world will meet. All at once, without having fully appreciated until recently what the completion of that gigantic undertaking would mean to them, Mexico, Central America, South America, and the islands of the West Indies are to find themselves lifted from the way station to headquarters. Never, never in all time has anything been done by the hand of man that means so much, directly, to so many peo-

ple as this canal means to them. And, unless we wake up, it will be proportionately detrimental to us. Our only hope of winning by this improvement rests in our taking steps, immediate steps, to share in the coming progress and prosperity of Latin America—to get into that broad and inviting market with energy and courage. [Applause.]

In my judgment, the time has come for the people of the United States to make a specialty of Latin America. We want to make up our minds to get better acquainted. There is every evidence that such a determination on our part would be heartily reciprocated by the people of those 20 republics. We not only want to get better acquainted with Latin America, but Latin America wants to get better acquainted with us. We have been doing a little visiting on both sides. We should do more. We have been doing a little trading on both sides. We should do more. More of us want to learn to speak the languages spoken in those countries, and we want more of them to learn to speak our language. Not 5 per cent of the people of the United States who go to Latin America speak their language. It is estimated that 90 per cent of the Europeans who go there speak the language of the country. It is no exaggeration to say that Latin America to-day offers richer opportunity for honorable ambition, for skill and genius, for intellectual and industrial triumphs and victories than any other part of the world. [Applause.]

Some one has referred to Latin America as the world's neutral market. By that I presume is meant a market open to the cultivation of all nations on equal terms. It is well applied to Latin America. But the application of that term robs no nation of natural advantage with reference to this neutral market. And that is what we have had. And that is what we have neglected. And that is what we will have to turn our attention to now, with the completion of the Panama Canal, or drop so far in the rear as to never be able to regain the advantage we have thus far all but sacrificed.

Some people are inclined to sneer when the statement is made that the trade of Latin America is worth cultivating—is worth going after with American ships. Such people do not know that those 20 republics are carrying on one-third of the foreign trade of the Western Hemisphere. Listen to these figures: During the year 1907 Latin America had a foreign trade of over $2,000,000,000. The balance in her favor was more than $228,000,000. Of that two billions of trade we got one-fourth, or five hundred millions. We should have had three-fourths. We should have had one billion five hundred millions.

If we take South America separate and distinct from the other Latin territory on this hemisphere, we find that we have fallen woefully behind. She had a foreign trade during the year 1907 of $1,500,000,000. Of that we got two hundred and thirty-three millions—barely one-seventh. The balance in her favor on this small trade was about seventy millions. Of the amount South America bought abroad in 1907 we furnished about one-eighth. We should have furnished seven-eighths.

Why have we lost out in Latin America? There are a number of reasons. In the first place, until comparatively recently we have been cultivating domestic and not foreign trade, and naturally what foreign trade we have had has been along the lines of latitude and not along the lines of longitude.

In the second place, they speak Spanish and French and Portuguese. We speak English. This has been a barrier that has greatly hindered.

In the third place, we have exaggerated notions of their tendency to revolution, and have failed to differentiate between the few republics that were unsettled and the many that were stable.

In the fourth place, we have been under the impression that epidemics that have scourged us in days gone by have come to us in infected ships from those ports, and the fear of pestilence is all but an insurmountable barrier to commerce.

But during recent years these hindrances have all but vanished. Being able to more than take care of our domestic trade, we are going after foreign trade. In the last ten years we have more than doubled our foreign trade, notwithstanding the fact that we have had no ships of our own worth mentioning on the sea. And we are taking up the language proposition. Since the Spanish-American war and our acquisition of the Philippines and Porto Rico and our new relation to Cuba hundreds of colleges and many high schools have inaugurated the teaching of Spanish. Our boys and girls are getting ready for their work. The boys and girls of the United States have not only kept abreast of the American Congress, but they have gone ahead of us. They are preparing to enter those inviting fields equipped to speak the language of the people with whom they come in contact. [Applause.]

I would say, too, Mr. Speaker, that the days of revolution in Latin America are, in my judgment, practically over. In recent years the threat and menace that come with political disturbances has been confined largely to a republic in the West Indies and to Venezuela. But our people are slow to differentiate, and all Latin America has been compelled to rest, more or less, under the stigma.

As a matter of fact, the other republics have been as free as our own in reflecting these unstable conditions. The republic in the West Indies to which I allude has calmed down and Venezuela seems, at least, to be at rest. Castro has gone. Thank God, Castro has gone! The flight of this man, who for many years has disturbed and distressed capital and conditions in Venezuela generally, was worth untold millions to the republics of Latin America. Well could they have afforded to send him abroad in a ship whose hull was made of silver and whose machinery and smokestacks and other trimmings were made of gold, for he was not only a continuous menace to the welfare, the development, the progress, and prosperity of his own country, but to the welfare, development, progress, and prosperity of Mexico and Central America and South America and the islands of the West Indies. I have said that we were slow to differentiate with reference to Latin America. We have been too prone to reason that in view of the fact that Venezuela is Latin and in view of the fact that the Republic of Venezuela has been disturbed by continuous revolution, therefore all the Latin republics are disturbed by revolution. There has been too much of a disposition to associate exaction, confiscation, assassination, the sword, and torch, and everything else that horrifies conservative society and alarms investment with all Latin America. This has been unfair to the great majority of those republics and is a reflection on our intelligence. Five-sixths of Latin America has been as free from revolution during the last quarter of a century as has the United States. And now Castro has gone. An orderly régime has succeeded him, and the people of Venezuela welcome the succession. With this disturber across the sea, with agreements pledging the settlement of disputes between that country or its people with other countries and other peoples to courts of law or arbitration fairly constituted, the last glaring, flaring, ever-present reproach to Latin America has disappeared, and, in my judgment, from this day on those 20 republics, with their 20 flags, will challenge the prosperity of the world, and in their ambition to lift themselves to the high plane occupied by those nations north of the equator will win the admiration of all Christendom. [Applause.]

In this connection I would also say, too, Mr. Speaker, that the epidemic proposition has been solved. Sanitation has been reduced to a science. We no longer fear a visitation of Asiatic cholera; we no longer fear yellow fever. We have conquered both germs. We not only rescued Cuba from outrage and oppression, but we rescued her from pestilence and disease. We taught her how she might live and fight the scourge. And the lessons we taught Cuba have been learned at Panama and along the miasmatic east coast of Central America and at Guayaquil on the west coast of South America, localities which ten years ago were synonymous with infection and contagion and death.

The whole situation with reference to Latin America has changed during the past decade, and that citizen of the United States who does not appreciate it is deaf and dumb and blind. Barriers which hindered those Republics, which reflected discreditably upon those Republics, which tended to erect around and about them the sign, "Dangerous, keep away," have vanished, and we find nearly all of them at the goal of independent, conservative, established self-government, equipped and ready from that base to struggle for other goals to be found in the arts, sciences, in commerce, and in trade in the great, broad, open field of civilized society. [Applause.] And these Republics are represented here in Washington by as dignified and brilliant diplomats as come from any other part of the globe. [Applause.]

Let us look at these republics. Let us see why we should have ships of our own in which to visit them. First, there comes Mexico, incalculably rich Mexico. Former Ambassador Creel told me recently that $800,000,000 of American capital had, during the last decade, been invested in Mexico. Soon she will have three transcontinental railroads. There should be nothing Mexico desires that we should not be prepared to furnish. There should be nothing she offers that we should not be ready to take. She has become so gridironed with railroads closely interwoven with our systems that there is really no reason why commercially we should not be one. We can now travel in a Pullman car from New York City to the northern boundary of Guatemala.

Beyond Mexico lies Central America, with her mountains and her lowlands, with her great forests and rich mines and splen-

did agricultural areas. There we find Guatemala, Nicaragua, Costa Rica, Honduras, and Salvador. The continental domain of every one of them, except Salvador, is washed by the waters of two great oceans, midway between the Orient and the Occident. Until 1821 all five of them constituted a Spanish kingdom. From then until 1847 they were known as the "Republic of Guatemala." Then they divided up into five independent republics, and there have been years of strife and bloodshed; but they worked their problem out. In this city one year ago, with the friendly assistance and advice of Mexico and the United States, they ratified a convention that puts the effort at The Hague to shame. That convention provides for a permanent court of arbitration, to which all disputes are referred and settled, and from which court there is no appeal. The ready and cheerful acquiescence of the interested nations in a decision recently made by this court, in a question that has been the subject of contention for nearly half a century, indicates that the republics of Central America have reached, at one splendid stride, that peaceful ground to attain which other nations have hoped and struggled in vain.

Mr. Speaker, you need not be surprised if the court of arbitration of Central America becomes recognized as the court of arbitration of the Western Hemisphere. It already has the sanction of the United States and Mexico and the confidence of the republics of the West Indies and South America. [Applause.]

These Central American States are building railroads. Each will soon have a transcontinental railroad. Thousands and tens of thousands of acres of the lowlands known as the "Mosquito Coast" have been reclaimed and planted in bananas. They are in close touch with Galveston and New Orleans and Mobile and New York. Those States have resources, wealth, and people. Salvador is more thickly populated than New Hampshire. With the advantage that will accrue to Central America with the construction of the Panama Canal, no prophet can be charged with being unduly enthusiastic, it matters not what picture he might paint of the future of those five republics.

Going on down we find Colombia and Panama, the latter the youngest child in the family. It was feared that the revolution that resulted in her separation from Colombia might have bred contention and animosity that could never be dissolved. But not so. Colombia and Panama have settled their disputes. They settled them peacefully and, with Venezuela, now demand the world's recognition and confidence. Panama, Colombia, and Venezuela, with their rich plateaus and valleys, with their mighty rivers, with mineral deposits that have barely been touched, offer one continuous invitation and temptation to the wit and ingenuity of man. [Applause.]

Mr. Speaker, $200,000,000 of American capital has gone into the republics of the West Indies during the last few years. If conservatism in government prevails, who can tell the story of their growth in wealth and glory during the next decade?

I am sure there is a lamentable lack of specific information in the United States relative to South America. A minister from one of those republics told me recently that there were more things published in one week in European newspapers about matters in South America than were published in the newspapers of the United States in an entire year. I believe there should be a campaign of education here in the United States with reference to South America. I believe it should receive every inspiration and encouragement from this floor. I believe that the greatness and promise of that continent should be proclaimed in the industrial centers, in our schools and colleges. I believe it should be impressed upon capital and labor, for there is not anywhere a more inviting market for the products of either. It should be impressed upon the minds of young men looking for fields of effort where genius can find wide scope and where intellectual and material victories can be won.

How many of our people know the extent to which the Amazon River country is being opened up to the world? That river flows three times as much water as is discharged by the Mississippi. It is true it is under the equator; but by reason of the plateaus that lift high up from its banks there are represented in that equatorial region the climates of both the Torrid and Temperate zones. One thousand miles up that stream is a modern city, the center of a rapidly developing territory.

How many people here in the United States know anything specific about Brazil? How many Members on this floor know that Brazil is larger than the United States—that we could place all continental United States within her area and have enough left over to accommodate the German Empire? How many people in the United States know anything specific about Rio de Janeiro—know that it is a city of almost a million people, and that it has spent more money for public improvements during the past year than any city in the United States except New York? How many people in the United States know that it is one of the most interesting national centers of civilization, industry, art, literature, and education in all the world? How many people know that Brazil in 1907 sold to the United States coffee and other products worth nearly one hundred millions, but bought our exports to the extent of but $15,000,000? How many people know the extent to which that splendid country is building railroads, improving her rivers, establishing systems of public schools, garnishing her cities, and by every known method lifting herself to the high standard of modern national comfort and equipment? Think of the millions upon millions of acres of land now inviting the immigration of the world! And the United States, proud United States, boastful United States, has no fast mail or express steamship going to and from Brazil! And there are men on this floor opposed to this modest start to establish a line! It would seem unthinkable. [Applause.]

How high a grade would the average citizen of the United States expect to make if compelled to pass a civil-service examination on Uruguay and Paraguay? How many of them know that Montevideo, a city of more than 300,000, is now spending $10,000,000 on her harbor? But the people of Europe know that Uruguay and Paraguay are coming to the front. The people of Europe are going to Uruguay and Paraguay in ships of their own. These two countries are anxious to get in touch with the world, and there is now being projected from Asuncion, the capital of Paraguay, an improvement of the river Parana, and a railroad system, that will bind her trade and commerce, her interests and ambitions, with Uruguay and Argentina on the one hand, and Brazil on the other.

These countries are offering every conceivable inducement for immigration, and they are getting it.

How ignorant our people are on the real status of Argentina among the nations of the world! The farmers in the West and Northwest know, in sort of an indefinite way, that Argentina raises enough wheat to in some way affect the Liverpool market, but they have never gone into particulars about Argentina. Every nation on earth except the United States knows that, as a matter of fact, Argentina is a marvel among nations. She has been described as "a wonderland of material progress." She might still be described as "wonderland of material promise." In former years, when I have seen Argentina on the map and spoken indefinitely of her, I have estimated her as about the size of the splendid Commonwealth of Illinois. I submitted the query, as to the extent of her geographical dimensions, to a coterie of intelligent fellow-citizens in the cloakroom here recently, and the most extravagant of them ventured the suggestion that Argentina was almost as large as Texas. That is true—Argentina is larger than Texas. Argentina is larger than New England and all the Atlantic States and all the Southern States combined. Aye, more, Argentina is as large as all that portion of the United States east of the Mississippi River, with the first chain of States to the west of that river added. We are looking toward China and Japan for foreign trade, and we do well, for China has a population of 300,000,000 and Japan has a population of 40,000,000. Argentine, however, with a population of only 6,000,000, has a greater foreign commerce than either China or Japan. [Applause.] Argentina has a larger foreign commerce than any nation in proportion to her population. Her foreign trade last year was $600,000,000, or $100 per capita. Buenos Aires, her capital, has 1,250,000 people, and is growing more rapidly than any city in the United States, except New York and Chicago. It is the largest city in the world south of the equator.

Paris is the only Latin city that outranks her in population. Among municipalities Buenos Aires is considered one of the wonders of the world. She has the finest system of docks and wharves in the world. She recently spent $40,000,000 in improving them. She is now getting ready to build an intricate system of underground railroads. Buenos Aires has the best equipped and most expensively housed newspaper on earth. She has an opera house that cost $10,000,000.

Argentina! Such is Argentina! She has been building railroads. The trip can be made by rail, with the exception of a small gap over the summit of the Andes, from Buenos Aires to Valparaiso, Chile, in forty-eight hours, and one can travel in a Pullman car from the borders of Bolivia, on the north, to the borders of Patagonia, on the south. It is not a matter of common information in the United States that Chile and Argentina are now being connected by the construction of the longest tunnel in the world. Three hundred and fifty thousand immigrants from Spain, Italy, England, and Germany passed into that country last year. They are getting people in South America. They are getting Germans, they are getting English, they are getting Swedes and Danes and Norwegians and

Belgians and Frenchmen and Italians. They are repeating down there what has been going on up here, and it is going to result in a blood, in a manhood and womanhood that will vie with us in the progress of the century. [Applause.]

The west coast of South America! Who knows anything specific about the west coast of South America? The Europeans. And so does Japan. And so does China. Last year that west-coast trade amounted to $300,000,000. We got fifty millions of it, which is one-sixth; we should have had five-sixths.

There are 12,000,000 people on that west coast. They are getting ready to spend $60,000,000 on their harbors within the next ten years. They have already contracted for $20,000,000 worth of harbor improvements at Valparaiso, the contractors being Frenchmen. The government gurantees them 5 per cent on their investment, and the material for that colossal improvement will be bought in France. They have coal in those mountains, and they have iron, but these deposits are practically inaccessible. They consume textiles and breadstuffs down there, but they get the greater part of them from countries other than the United States. Chile bought last year twice as much coal as she mined. She bought it from Australia and England. She should have bought it from the United States. Near the coast coal sells at from $15 to $18 per ton. In the inter-Andean regions it is $40 per ton. Up there the price of coal is so high that they fire engines with mountain moss. But we are permitting Japan and China, on the one side, and Great Britain, Germany, France, Italy, Belgium, and Austria, on the other, to crowd right in under the shadow of our coast lines and gain a commercial primacy, a foothold, that will put to the severest test the best genius of our captains of trade. Japan, far across the Pacific, has a subsidized steamship line between Yokohama and Chile, and has made an arrangement with the Chilean Government for a special system of money-order exchange to go into effect between the two nations. China also has a subsidized steamship line between Hongkong and the west coast of South America. China and Japan and European nations are cultivating South America. They know that that is the most promising field for the future. They know of the wealth of those mines. They know of the fertility of that soil. They know of the splendid possibilities of the incomparable water power stored up in the streams in those hills and mountains. Aye, more, they know that stable government is the rule and revolution the exception in South America. [Applause.]

They know that long ago nearly all of those countries got down to business; that they have small national debts and strengthened public credit; that the progress they have made has been second only to the progress that has been made here in the United States of America. They not only know this themselves, but they do not want us to know it, and they are working like beavers during these precious years to thoroughly establish themselves in that splendid territory with all its magnificent possibilities. Mr. Speaker, I contend the time has come to challenge the right of other nations to a practical monopoly of that market. [Applause.] I saw a statement, made by a prominent labor leader recently, that there were hundreds of thousands of idle workingmen in this country. Let us lay plans now to put them to work—put them to work on iron and steel and coal and foodstuffs for South America. [Applause.]

Far down toward the jumping-off place in South America is Chile, with her two great cities, Valparaiso and Santiago. Valparaiso is the largest city on the west coast of the Western Hemisphere excepting alone San Francisco. Chile is opening up her mountains and valleys to the world, which means in this instance, practically, to Europe, for we have no ships carrying our flag and products going there. We are apt to think that Chile is a small country, a little slice of the hemispherical watermelon lying snugly between the Andes and the Pacific. That is the impression we carry from the old geography, and we have learned little since to change that impression. But the extent of that country is greater than some of us imagine. Its average width is that of California, and if you were to take the country up and place its southern extremity at San Diego the northern line would be located in the middle of Alaska. That is Chile. Her capital city has 400,000 people.

The Chilean Congress has authorized the expenditure of $37,000,000 for a longitudinal railroad 800 miles long. She has obligated herself by treaty, to construct a line from Arica to La Paz, Bolivia, a distance of 320 miles. Chile and Peru are both getting ready for the completion of the Panama Canal. Each nation has taken steps to subsidize steamship lines between their countries and the canal. Peru is now constructing a floating dock that will cost half a million dollars. If we pursue the course that has characterized this Nation in the past, these subsidized lines will meet European products carried in European ships flying European flags at the west end of that canal and convey them to markets that by every rule of trade belong to us.

A little farther up the coast we find Bolivia and Peru and Ecuador. You could place Texas in Bolivia twice, and have enough room left for Kansas and Nebraska. You could place all the Atlantic States, from Maine to Georgia, in Ecuador with chances of having land left over. Without being specific with reference to these countries, I want to say that the prospect is not only alluring from the standpoint of trade, but it is enticing. There is a widening field down there for the products of American farms and the output of American factories. There is not a city in any of those countries that is not taking on new life, awakening to the possibilities of the future. These cities must be supplied with water power, with waterworks, with electric lights, with street cars, with sewerage systems. A well-known financial paper published in Berlin stated recently that within the next ten years $2,000,000,000 of European money would go into the railroads in South America. A prominent New York house recently floated a loan of several millions for Bolivia. Those republics down there are not only willing, but they are anxious for outsiders to come in with their brains and with their capital. Bolivia is offering a bounty to industries operated by steam and electricity. Those republics have given concessions for the establishment of wireless-telegraph stations all through the interior.

Bolivia, Peru, and Ecuador are extending telegraph and telephone lines toward the Amazon, bringing remote places into touch. They are now building a railroad from La Paz, Bolivia, through the Yungas region to the navigable waters of the Beni River, and on the entire line electricity will be used as the propelling force. The street cars of Lima, the capital of Peru, are now propelled by electricity brought 30 miles, from the River Chosita. The great mountains down there, with their splendid streams, coupled with the scarcity of coal, naturally mark that country, with its vast mineral and agricultural wealth, as the one place above all others where the many possibilities of electricity as the servant of man shall reach its highest development. Those republics are abreast of the times. Ecuador and Peru have the gold standard. Bolivia is now arranging to go to a gold basis, and Chile will join the procession next year. We know little about them, because we have not been visiting and trading with them, except to a limited extent. And the object of this bill is to change our policy. It is a start toward regaining what we have lost through neglect that seems little less than commercially criminal.

We are ignorant of Latin America from every standpoint. We are ignorant not only of the length and breadth of its nations and their material wealth, but we are ignorant of the history of these nations. We have never studied it. We have seemed to care nothing about it. We have blanketed it all under the broad and indefinite but all enveloping terms "revolutionary," "unstable," "unsettled," "unsafe," and let it go at that, failing to realize that against terrible odds, greater than we have faced, they were working out the same general problem of politics and civilization that confronted us. We know the names of few of their great heroes, warriors, statesmen, writers, and scholars; and yet at Lima, Peru, and Cordoba, in Argentina, are universities that antedate Yale and Harvard. Grouped in the capitals of their countries are the figures of scientists and philosophers who have made all time their debtor, whose names are familiar to the scholars of the Old World, and of heroes whose deeds of patriotism and valor have stirred the blood and implanted in the youthful breast the divine spark that oftentimes flames into great sacrifice for country. I shall never forget how, when a college boy, I was thrilled by the stories that came to us in the daily press and magazines of the naval engagements between Peru and Chile. That war between Chile, on the one hand, and Peru and Bolivia, on the other, was necessarily largely a naval war; and while the countries were small and the navies weak, as compared with the great navies, yet they were about evenly matched and afforded splendid opportunity for the display of skill and courage and daring. Both Chile and Peru lost the heads of their navies in battle, but each nation gained a name to be emblazoned on the wall of glory and heroism forever.

I recall the engagement between the Peruvian ship *Cochrane* and the Chilean ship *Esmeraldo*, the latter finally driven to bay and rammed by the enemy. Admiral Pratt, in command of the *Esmeraldo*, when the impact came, shouted, "Now, children, on board of her," and leaped to the deck of the victorious ship and to death. At the next impact, a lieutenant, with a handful of marines, followed, all to be slaughtered. Helplessly the *Esmeraldo* stood in the sea; her magazine was flooded; she had no more ammunition; her rudder had been shattered; her sur-

geon had been killed. The ship was motionless and helpless, but to the demand for surrender she returned no signal except that of defiance. The *Cochrane* delivered a last terrible ram and the boat went down with all on board, but when the waves closed in they found the Chilean band playing the national air.

Later the Peruvian *Huascar* found itself surrounded by two ironclads and a gunboat. Admiral Grau, who commanded, recognizing his desperate situation, signaled the officers of several smaller boats that were with him, which he deemed helpless in such a fight:

Save your ships. I will remain here fulfilling my duty.

The engagement that followed was indescribable in its ferocity and daring. As the battle hotly raged the Admiral, partly exposed in a conning tower, was in an instant swept out of existence by one of the 9-inch shells of the enemy. Three successive commanding officers of the *Huascar* were taken out of the conning tower dead. Three crews of the two guns in the turret were killed almost to a man. The dead bodies were pushed aside and fresh men replaced them. There was but one ending possible. The *Huascar*, disabled and a shambles of slaughtered men, surrendered. "Peru lost that day her best ship, but she gained what they now prize far more—a hero." From that day forward it has been and always will be the touching custom, when on dress parade in the Peruvian army and navy, when the roll is called, to call Admiral Grau's name first of all. An officer steps forward, salutes, and answers:

Admiral Grau not present, but accounted for. He is with the heroes.

Incidents like these remind us of Paul Jones, and Decatur, and Lawrence, and Perry, and others, who have made fame and history their everlasting debtor, and I am proud to claim those who did the deeds of daring and glory as Americans.

There was a time when Latin America was suspicious of the United States. Many of her people—some of them high in authority in government—gave ear to the continuous whisperings of other nations, jealous of that splendid market, that our ultimate aim was their absorption, bringing them under our dominion and our flag. We had done nothing to give cause for this insidiously whispered accusation, neither did we make any particular effort to dissipate it. We simply went our way, our cold and chilly way as far as paying any attention to the way Latin America viewed it, leaving our defense and vindication to time. The defense came and the vindication was complete. Not since the Spanish-American war has any nation or individual, in Europe or Latin America, had the audacity to intimate that this Nation is ambitious to extend its territory. The manner in which we entered upon that contest, the direct object of which was the rescue of the Cuban people from cruelty and oppression; the manner in which we assumed the burdens and responsibilities that came with that contest, unforeseen and unexpected; our treatment of the Filipinos, the plan contemplating as it does the gradual elevation of those people by education and participation in government until they are capable of taking care of themselves; our treatment of Porto Rico, broad, generous, and philanthropic; our attitude toward Cuba, establishing a republican form of government, going to her rescue when her flag was threatened by revolution, remaining with our army to protect from the professional political marauders the fair ideal for which her heroes and heroines had sacrificed for three hundred years, guarding and protecting her as a father would guard and protect a child—these, all these, plain, simple, and unaffected, carrying out the heart desire of the American people and fulfilling the pledge of William McKinley—have killed the innuendoes of the world, and not only calmed the fears, but won the admiration and affection of Latin America. [Applause.]

Latin America knows that what we desire for them is peace. Latin America knows that what we desire for them is better politics. Latin America knows that what we desire for them is better health. Latin America knows that what we desire for them is better homes. That conference two years ago at Rio de Janeiro meant something. That sanitary conference just adjourned at Santiago meant something. That conference of Central American States that resulted in the establishment of that permanent court of arbitration from which there is no appeal, which is now settling disputes among those nations, and which promises to become a court of arbitration for Pan-America—that means something. [Applause.]

Mr. Speaker, had we read the columns and columns of description and comment in European newspapers on the visit of our Secretary of State to South America in the summer of 1907 we would have been satisfied that over there they felt that that visit meant something.

In the years of our childhood our interest was awakened and our imagination excited by the picture printed in the old geography of Commodore Perry and his fleet in one of the harbors of Japan on the mission of opening up that country to the trade of the world. Fifty years from now the schoolbooks of this Republic will carry the picture of the reception in the harbor of Rio de Janeiro or Buenos Aires of the battle ship carrying our Secretary of State, Elihu Root, dispatched, not on a mission of war, but peace; not to demand indemnity for real or imaginary wrong, but with a message of friendship from the people of the United States.

There have been some eloquent words uttered upon supreme occasions in our history—words that will ring through the years. When opportunity demands, the right man says the right thing and in the right way. I doubt, sir, if any man has ever been more felicitous in his utterance, more timely and genuinely tactful than was Mr. Root in his formal address at the Rio de Janeiro conference, when he said:

These beneficent results the Government and people of the United States of America greatly desire. We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit; but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all others to a common prosperity and a common wealth in order that we may all become greater and stronger together.

We have rarely had anything more lofty, more sublimely beautiful and inspiring in our language than that. That utterance answered years of innuendo and insinuation from the other side of the water. It constitutes a dignified disclaimer against the sinister charge lodged effectively by jealous contestants for cargoes and profits against this Nation of ours. That utterance constitutes genuine promise and is an utterance of awakened heart interest and neighborly sympathy and friendship on the part of eighty millions of people given by authorized proclamation. And if we follow up the advantage recently gained by getting into communication with those republics with our own ships, there will result a political hemispherical amalgamation, a Pan-Americanization that will, in my judgment, be not only an absolute shield against war between any of the nations in either North or South America, but go far toward forming an absolute guaranty of international peace.

There are two Americans whose names, in addition to that of Elihu Root, will always be associated with Colombia, Panama, and Venezuela, and the settlement of their troubles. I refer to John Barrett and William I. Buchanan. Mr. Barrett is now and has been for three years Director of the International Bureau of the American Republics. As minister to Siam, when little past his majority, he won his laurels. His record there commended him to the President when the Panama Republic was born.

He had been minister to Colombia. He knew her public men. He knew Panama, and the bloodless settlement of all disputes on the Isthmus is largely due to his diplomacy, to his tact, and skill, and genius. Indeed, in Latin America to-day the splendid personality of John Barrett has an admitted potentiality. He has navigated those rivers; he has explored those mountains; he has visited those homes; he has counseled with the public men in the capitals of all those republics. He has the affectionate confidence of the republics to the south of us, and some day the records in the State Department will give his countrymen the story of his real work. He has by his enthusiasm and energy and industry been sowing seed, the harvest of which will, if we but cooperate, amaze the people of the United States.

The other name is that of William I. Buchanan. In the little town in which I live is a frame blacksmith shop, which will some day be an object of more than local interest. It has the regulation forge and anvil and workbench, and displayed about the walls and overhead are shoes for horses' hoofs. Few people would take that blacksmith shop for a school of diplomacy, but it was there William I. Buchanan hammered iron. There is was he shod horses. Doubtless it was there he learned horse sense, which is the chief requisite in American diplomacy. Not far distant is the site of the little church in which he led the village choir. Buchanan, the Indiana blacksmith! Buchanan, leader of the village choir! His name it was the telegraph called—the query sent out by the State Department the night word came that Castro had left Venezuela and that a man was needed for the crisis. He was found in an inland city, whirled to the seashore by special train, placed on board a battle ship, a bundle of papers and telegrams crammed into his hands, and he was off for Venezuela. He has done his work and done it well. He is known in South America as the "Pacificator." As an arbitrator he settled the boundary dispute between Chile and Argentina.

I am told that the method he adopted was as unique as it was successful. He settled it in sections and made his an-

nouncements at the completion of each settlement. The settlement of the first section was a concession to the contention of Chile. Chile rejoiced and Argentina frothed. The settlement of the second contention was a concession to Argentina and Argentina rejoiced while Chile frothed. And thus alternately he gave each a thrill of joy and disappointment along the entire line, but when the final finding was recorded each one felt it had been vindicated in enough of its contentions to justify it in heartily indorsing the award. We have heard of "shirt-sleeve diplomacy," as applied to the American effort. I would suggest that the success we have had in South America would justify us in calling it "blacksmith diplomacy," in compliment and not in reproach.

I am reminded, Mr. Speaker, by this line of thought of a visit I paid to the little town of Salem, in southern Indiana, two years ago. I went there to worship at a shrine. I was led up an abandoned side street and halted before a little brick house covered with ivy. It was the birthplace of John Hay. His father was a poorly paid preacher, but that poor boy became the greatest diplomat of his day. You will pardon me if I say that Indiana takes pride in her contributions to American diplomacy. Indiana is proud of John Hay and William I. Buchanan, and in this connection I would suggest that all knowledge in the real school of diplomacy is not gleaned from the leaves of printed books. But I have digressed and I ask pardon for it.

Mr. Speaker, I marvel that we have any trade with the countries of South America. We have not only neglected them, treated them with indifference, but other nations have so combined the shipping with the industrial, mining, agricultural, and banking interests down there as to practically place us at their mercy. The men who own the steamships—the English, the German, the French, and the Belgian capitalists—also own the mines and the irrigation enterprises and the railroads and the sugar and coffee plantations and the banks. The European policy has been one of amalgamation of every imaginable commercial interest. There is not a citizen of the United States with a bank in all South America. Other nations have dotted that continent with banks. The tourist and business travel from South America is to Europe, not to North America. There are more people who leave Rio de Janeiro for Europe in one week than come to the United States in twelve months. More people bent on business or pleasure go from Buenos Aires in a single ship than come to the United States in a year on all ships. They go to Europe for business and pleasure and education. There is not a single fast passenger mail and express steamer plying regularly between this country and South America. There are some sailing vessels, but people traveling on business or pleasure rarely travel on a local freight, either on land or sea. Indeed, foreign nations, having control of the sea, seem to have established swift communication everywhere except between the United States and South America. The reason is apparent. They want that market for themselves—they want a monopoly of it. The flag of the United States is a stranger in South America, as it is in all other parts of the world, unless it flies from the masthead of a battle ship. A friend who recently traveled around South America wrote me as follows:

I left Colon, on the Caribbean side of the Isthmus, traveled east and south along the coast of Colombia; Venezuela; British, French, and Dutch Guiana; Brazil; Uruguay; and Argentina; and then came through the Straits of Magellan and went up the coast of Chile, Bolivia, Peru, and Ecuador to Panama, on the Pacific side of the Isthmus, a distance of 14,000 miles. During this trip, in stopping at some 50 ports, including such great ones as Rio de Janeiro, Montevideo, Buenos Aires, Valparaiso, Callao, and Guayaquil, I did not see the American flag flying over a single merchant steamship, although in all ports, ranging from nearly 100 merchant vessels in Buenos Aires down to 2 or 3 at Pernambuco, I saw everywhere, flying in abundance, the flags of foreign nations, including that of Japan. When we left Colon there was a vessel of the Panama Steamship Company in port flying the American flag. When we arrived at Panama, after a 14,000-mile journey, I saw other merchant vessels belonging to the Panama Steamship Company flying the American flag. The only steamships in the course of my long journey which were American were several men-of-war and 1 private yacht.

I repeat it, Mr. Speaker, I marvel that we have any trade with South America. With the Germans, English, French, Belgians, and Austrians controlling the shipping, and amalgamating their shipping interests with railroads, mines, banks, docks, and plantations, the dividend of the one depending on the prosperity of the other, how can we, without ships, without fast mail and express facilities of any kind, without banks, without traveling men speaking the language of those people, with our business intrusted to wholesale houses whose proprietors owe allegiance to other flags, commercially unfriendly and prejudiced, expect to do anything? And yet in 1907 we sold South America one-eighth of what she bought! Having done this under unpropitious conditions, what might we have done under propitious conditions, with our own ships, with our own banks, with our own wholesale houses, with our own traveling men speaking the Spanish, French, and Portuguese languages?

Trade follows the flag. We could not have fallen behind in this race for the markets of South America if we had our flag on the sea. I am in favor of putting it on the sea, and I would start it between North and South America. [Applause.] In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress.

I have been a Member of this House for twelve years. During that time many questions upon which men and parties differed have come before this body. I have never cast but one vote that I can recall that I would change were it in my power to do so. That was the vote I cast against the bill that had for its object the bettering of mail facilities between this country and South America. [Applause.] I yielded my personal view to that of my constituency. Since then I have been serving on the Pan-American Committee, and I have learned something. That clamor that came from my State was the offspring of prejudice, unjustified prejudice. It was the same brand of prejudice organized long ago against the doctrine of protection, which, had not our fathers taken it by the throat, would have made us hewers of wood and drawers of water for Europe—an easy-going peasantry. It was the same prejudice, awakened in 1896, against the gold standard, which, had not the Republican party taken it by the throat, would have made us the most pitiable objects of chagrin and humiliation in all the world. It is this prejudice that has taken our flag from the sea—that has made it a stranger to every ship except the man-of-war. We are going to put it back on the sea. The manufacturers are going to help us put it back on the sea. The merchants are going to help us put it back on the sea. The farmers, east and west, and north and south, who have been misled, and who have more at stake than any other class of our people, they will learn the facts, prejudice will be dethroned, and they will help us put the American flag back upon the sea. [Applause.]

The plain truth is, the people of the United States have been so busy with transportation among themselves that they have given little attention to sea-carrying between and among other nations. I believe they are ready to take up that proposition now. They will be amazed when they learn the truth.

They will be amazed when they learn that our tonnage now is 200,000 less than it was one hundred years ago.

The people of the United States will be amazed to learn that we now carry less than 8 per cent of our foreign commerce. In 1861 we carried 65 per cent.

The people of the United States will be amazed to learn that American capitalists have invested $200,000,000 in the subsidized ships of other nations flying other flags.

The people of the United States will be amazed to know that when our American delegates went to the Pan-American Conference at Rio de Janeiro two years ago, they had to go under a foreign flag to England, or Germany, and thence under a foreign flag to the place of destination.

The people of the United States will be amazed to learn that of the 292 merchant steamships that passed through the Suez Canal last January, 173 were British, 42 were German, 14 were French, and 1 floated the flag of the United States.

The people of the United States will be amazed when they learn that we are paying approximately $500,000 a day to foreign ships for carrying our commerce.

The people of the United States will be amazed to learn that the six leading maritime nations have been paying for several years about $28,000,000 to their mail ships and merchantmen in the way of subsidies or subventions. We have paid practically nothing.

The people of the United States will be amazed to learn that when our battle-ship fleet started around the world it was accompanied by 27 transports carrying coal, all of these transports carrying foreign flags, and that if we had become involved in war during that cruise every one of them would have been compelled to abandon the fleet, thus leaving it as helpless as a traveler in the desert of Sahara without food or drink.

The people of the United States will be amazed to learn that Japan has to-day over 500 vessels she could convert into transports on a moment's notice. We are woefully deficient.

Gentlemen on the other side say, "Let down the bars on shipbuilding material. Let it in free, and that will give us American ships flying the American flag."

We have that to-day. The Dingley law provides for that.

Gentlemen say, "Give American register to foreign-built vessels on condition that they fly the American flag." Those two vessels we bought recently to ply between New York and Panama, they had that. And they had to go out of business, and we bought them at a 40 per cent discount. The *Kroonland* and the *Finland*, plying between New York and Europe, had that, and last week they surrendered, gave up the American flag, and now fly the Belgian flag.

Mr. Speaker, the people of the United States will soon realize that this proposition is as broad as all the sea and all the land. They know we have the largest coast of any nation. They know we have the great harbors. They know that we have the most and greatest navigable rivers and railroads connecting seaports with the interior. They know we have the most timber, the most ore, the most coal, the most agricultural products, and they will arise and break this monopoly that foreign ships have formed against us—foreign ships that carry our products where they please, when they please, and at whatever price they please.

The present situation is nothing more nor less than a conspiracy against the United States to restrain our trade on the high seas. We will soon have completed the Panama Canal. It will be the realization of the dream of generations. That canal is for the world—for the world's commerce and trade. I say to you that unless we awaken to the importance of the Central and South American and West Indian opportunity and the importance of rehabilitating our merchant marine, the construction of that canal will mean more to Europe and Asia than to the United States. It will not only rob us of hundreds of millions of dollars of transcontinental carriage, but it will enable our competitors to get in on both sides of us with their product at ballast prices. If we are alive to the opportunities offered and the advantages we enjoy, with the completion of the Panama Canal, I see the beginning of a new epoch—a mighty epoch for this hemisphere. It will be an epoch ushered in by the combined hope and ambition of 21 republics and 21 flags, all inspired by one splendid faith and promise—faith in the ability of the individual to secure his rights through processes of organized society, bedrocked upon the Golden Rule, and promise that the example given will be emulated by all nations and be an inspiration to all peoples. These 21 republics, connected by swift ships, by cable, by telegraph, by telephone, by a railroad extending from New York to Patagonia and Chile, with a court of arbitration to settle all disputes among themselves, would drive international hate into hiding and put war to shame. I can see how the Western Hemisphere can, within two decades, force disarmament in all the world and become the acknowledged and accepted umpire of this century. [Long and continuous applause.]

Companies B, C, and D of the Twenty-fifth U. S. Infantry.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 27, 1909.

The House having under consideration the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: I oppose this bill and its passage because the investigations made by the President and because the evidence taken in every investigation showed that these men who have been discharged, and whom you seek here in this extraordinary manner to reenlist, with full back pay and emoluments, do not deserve to again wear the uniform of the United States or to be intrusted with the honor of its flag, both of which they have so flagrantly dishonored. The President of the United States, in the first message that he sent to the Senate upon this subject, after having declared that he had carefully investigated all the facts in the case, said that he demanded and challenged the approval and support of every citizen of this country, whatever his color, "provided he has only in him the spirit of genuine and farsighted patriotism."

The President again, in 1907, sent a message to the Senate, in which he not only reiterated his message of December, 1906, but after further investigation declared he was still convinced of the guilt of these soldiers, and that the new testimony had strengthened his first conviction of their guilt. Not until March 11, 1908, was any suggestion made with reference to making the change in the status of these discharged negro soldiers by act of Congress, and that happened to be the time when the campaign for the nomination and election of President of the United States had begun and the vote of the colored citizen was needed both in the selection of delegates and at the polls in November.

To show what the state of mind of President Roosevelt was on the subject, I quote from his messages to the Senate on this subject.

In the message of December 19, 1906, he uses the following language:

> Precisely the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant-Colonel Lovering is a native of New Hampshire; Major Blocksom is a native of Ohio. As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States Army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one State, whether in the South or the North, the East or the West, as I now do, when, as it happens, they were made by officers born in different States.
>
> Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them.

And again he says:

> A blacker never stained the annals of our army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not schoolboys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphold the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law. The noncommissioned officers are primarily responsible for the discipline and good conduct of the men; they are appointed to their positions for the very purpose of preserving this discipline and good conduct, and of detecting and securing the punishment of every enlisted man who does what is wrong. They fill, with reference to the discipline, a part that the commissioned officers are of course unable to fill, although the ultimate responsibility for the discipline can never be shifted from the shoulders of the latter. Under any ordinary circumstances the first duty of the noncommissioned officers, as of the commissioned officers, is to train the private in the ranks so that he may be an efficient fighting man against a foreign foe. But there is an even higher duty, so obvious that it is not under ordinary circumstances necessary so much as to allude to it—the duty of training the soldier so that he shall be a protection and not a menace to his peaceful fellow-citizens, and above all to the women and children of the Nation. Unless this duty is well performed, the army becomes a mere dangerous mob; and if conduct such as that of the murderers in question is not, where possible, punished, and, where this is not possible, unless the chance of its repetition is guarded against in the most thoroughgoing fashion, it would be better that the entire army should be disbanded. It is vital for the army to be imbued with the spirit which will make every man in it, and, above all, the officers and noncommissioned officers, feel it a matter of highest obligation to discover and punish, and not to shield, the criminal in uniform.
>
> Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals. * * *
>
> I have condemned in unstinted terms the crime of lynching perpetrated by white men, and I should take instant advantage of any opportunity whereby I could bring to justice a mob of lynchers. In precisely the same spirit I have now acted with reference to these colored men who have been guilty of a black and dastardly crime. In one policy, as in the other, I do not claim as a favor, but I challenge as a right, the support of every citizen of this country, whatever his color, provided only he has in him the spirit of genuine and farsighted patriotism.

In the message of January 14, 1907, the President says, in transmitting additional evidence concerning the Brownsville affair:

> The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colored troops whom I have dismissed committed the outrages mentioned; and that some or all of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.
>
> The additional evidence thus taken renders it in my opinion impossible to question the conclusions upon which my order was based. I have gone most carefully over every issue of law and fact that has been raised. I am now satisfied that the effect of my order dismissing these men without honor was not to bar them from all civil employment under the Government, and therefore that the part of the order which consisted of a declaration to this effect was lacking in validity, and I have

directed that such portion be revoked. As to the rest of the order, dismissing the individuals in question without honor, and declaring the effect of such discharge under the law and regulations to be a bar to their future reenlistment either in the army or the navy, there is no doubt of my constitutional and legal power. The order was within my discretion, under the Constitution and the laws, and can not be reviewed or reversed save by another executive order. The facts did not merely warrant the action I took—they rendered such action imperative unless I was to prove false to my sworn duty.

On March 11, 1908, the President sent the following message to the Senate:

To the Senate:

On December 12, 1906, the Secretary of War by my direction issued the following order:

"Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof."

Proceedings were begun under this order; but shortly thereafter an investigation was directed by the Senate, and the proceedings under the order were stopped. The Senate committee intrusted with the work has now completed its investigation, and finds that the facts upon which my order of discharge of November 9, 1906, was based are substantiated by the evidence. The testimony secured by the committee is therefore now available, and I desire to revive the order of December 12, 1906, and to have it carried out in whatever shape may be necessary to achieve the purpose therein set forth, any additional evidence being taken which may be of aid in the ascertainment of the truth. The time limit during which it was possible to reinstate any individual soldier in accordance with the terms of this order has, however, expired. I therefore recommend the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting the reinstatement by direction of the President of any man who in his judgment shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the army.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 11, 1908.*

It will be observed that the President in this last message recommended that these soldiers be reinstated who could show that—

He was neither implicated in the raid on Brownsville, Tex., nor withheld any evidence that might lead to the perpetrators thereof.

Yet the bill which is now to be passed, and which will be doubtless approved by the President, contains no such condition, but permits such soldiers of these companies to become eligible for enlistment whom the officers appointed shall find and report qualified for reenlistment. Nor does this bill make the fact that one of these soldiers participated in this or not or concealed the guilty a bar to his reenlistment. In fact, the passage of this bill is a complete surrender by both the President and the Congress to the demands of the political exigencies of the last presidential campaign.

The guilt of these negro soldiers of the outrage for which they were discharged has been as thoroughly and as frequently investigated, and by different people and different tribunals—probably more so—than any other event of like character that has occurred in the history of this country. From the beginning of the session of Congress in December, 1906, it has assumed the proportions of a national affair. Seven separate and distinct investigations have been made by individuals of high character, by courts, both civil and military, and by committees in Congress, and in every such investigation the conclusion has been reached that these negro soldiers were guilty.

The affray was first investigated immediately after it occurred by Major Penrose, the commanding officer of the post, in connection with a committee of the citizens of Brownsville. That committee was headed by Captain Kelly, an ex-federal soldier and a Republican, and its other members included citizens of the highest standing and respectability in the city of Brownsville. The events were fresh in the minds of the witnesses who testified before them, and the committee and Major Penrose were on the ground and were doubtless moved by an earnest desire to reach the truth. Both found and reported that the assault was made by soldiers of the Twenty-fifth Infantry.

The citizens' committee embodied its findings in a telegram to the President, of date August 15–16, 1906, a portion of which I quote:

The undersigned, a committee of citizens appointed at and by a mass meeting of the people of Brownsville, held in the federal court-house in this city on Tuesday, the 14th instant, to investigate the attack made on the city by negro troops stationed at Fort Brown, find as follows: That a few minutes before midnight on Monday, the 13th, a body of United States soldiers of the Twenty-fifth Infantry (colored), numbering between 20 and 30 men, emerged from the garrison inclosure, carrying their rifles and an abundant supply of ammunition, and also began firing in town and directly into dwellings, offices, stores, and at police and citizens. During the firing one citizen, Frank Natus, was killed in his yard, and the lieutenant of police, who rode toward the firing, had his horse killed under him and was shot through the right arm, which has since been amputated at the elbow. After firing about 200 shots, soldiers retired to their quarters. After the most diligent inquiry we find that no shots were fired from the town into or toward the garrison, nor any provocation given for the attack.

Major Penrose reported to the War Department of date August 15, 1906, in which he said, among other things:

The mayor again called upon me about 10 a. m. (August 14) and informed me that a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning he told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

Were it not for the evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me, I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand.

Major Blocksom, an inspector-general of the army, was sent to Brownsville immediately after the affray, and after a thorough and exhaustive examination and investigation reported to the same effect—that the shooting was done by the negro soldiers. The grand jury of Cameron County, Tex., in which Brownsville is located, after a careful investigation, reported that the negro soldiers made the raid and did the shooting, but they properly found no indictment, because the proof failed to identify the individuals guilty of the crime. No indictment will lie against a battalion of men.

Mr. Purdy, an Assistant Attorney-General of the United States—a man of judicial temperament; a northern man and a Republican—after a searching investigation, reached the same conclusion of guilt on the part of the soldiers.

The Penrose court-martial, composed of eight officers of the highest character and standing, and certainly not prejudiced against the soldiers, after a hearing lasting four months, likewise found that the shooting was done by the enlisted men of the Twenty-fifth Infantry stationed at Brownsville.

It may be said that in the trial of Major Penrose the question of the guilt of these men did not properly arise, and hence that finding was gratuitous. But an examination of the specifications filed against Major Penrose shows that it was one of the questions raised. In fact, the chief contention raged about it, for if it could have been established that the soldiers did not commit the outrages of the night of August 13–14, then no blame could attach to Major Penrose, and he must go free.

And, finally, Mr. Speaker, the Military Committee of the Senate, after an investigation lasting for more than a year and of the most searching and exhaustive character, has found and reported to the Senate, by a majority of 9 to 4—

That in the opinion of this committee the shooting in the affray at Brownsville on the night of August 13–14, 1906, was done by some of the colored soldiers belonging to the Twenty-fifth U. S. Infantry, then stationed at Fort Brown, Tex.

So the verdict rendered and the conclusion reached in every investigation made has been that these negro soldiers are guilty. The purpose of this bill is to restore to them the right again to enter our army, to again wear its uniform, and to receive back pay and allowances; and in all probability to again dishonor and disgrace the uniform and the flag and to become heroes in the eyes of their own race, because they not only have escaped punishment for this outrageous crime and concealed the perpetrators, but have been made the especial objects of care and protection by the Congress of the United States. The country will be fortunate indeed if in the future the Brownsville affair is not again repeated by these same soldiers on the citizens of some other community. [Applause.]

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. MOSES P. KINKAID,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 22, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—

Mr. KINKAID said:

Mr. CHAIRMAN: I rise for the purpose of addressing myself to the subject-matter of a bill not yet introduced, but which will be introduced very early in the approaching extra session of the Congress to be called for about March 15.

I refer to the bill which will be introduced for the revision of the tariff, which I am pleased to anticipate will be known and become celebrated as the "Payne bill." It may occur to some, Mr. Chairman, that discussion at this time of the bill to be introduced in the next Congess is premature; not so, not so, if

the course of the Ways and Means Committee may be taken as a criterion, and certainly the action of that committee is peculiarly a proper criterion for what may pertain to tariff revision. The fact is, it can justly be said to the credit of the membership of the Ways and Means Committee, that they have been very diligent and almost constantly devoting their attention to the work of revision during this entire session. In fact, this committee commenced giving hearings in the interest of revision some time last session. For my part, I regard it as highly laudable that the different members of the committee have done so much gratuitously, as it were, in this, the Sixtieth Congress, for the work, as it has been resolved and pledged, for the Sixty-first Congress. During my service in Congress, which covers only six years, I have not observed or learned of any committee having performed more diligent and arduous service for the work, even of pending business of the session, let alone of a future Congress, than has this committee been doing in anticipation of the work of the next Congress.

I have not learned of any committee which has worked so many hours per day or so many days of the week as has this committee. From my own observation it has appeared to me that the committee must have worked as much as sixteen hours per day some of the time; at any rate some of the members, I think, must have worked fully sixteen hours per day. I have been very much impressed, too, Mr. Chairman, with the painstaking way the committee has pursued to gather the information necessary to qualify its membership to draft a revision bill, and whatever differences may arise, of which there are sure to be many, with so many schedules to be gone over affecting so many interests, so many localities, and so many individual interests, directly and indirectly, I feel confident that the bill which will be introduced will, after the most extended discussion, carry the conviction that its provisions have been the result of the most careful and painstaking investigation, coupled with the purpose to conserve the best interests and greatest good of the progressive people and great Republic whom we have the honor to represent.

But, Mr. Chairman, now that the platforms of the two great parties pledge revision and that this was done in response and obedience to the prevailing sentiment, and that the President-elect very laudably has been taking steps, as far as his yet incomplete title to the office of Chief Executive may permit of it, to call an extra session of the Congress for an early date for the express purpose of revision, and as it has been therefore virtually decreed that a revision of the tariff shall be made as early as it may be practicable by the Sixty-first Congress, it therefore devolves upon the Congress in the interests of the country, in the interests of every business institution, in the interests of every individual, in the interests of the general prosperity of the country, that such revision shall be promoted without any unnecessary delay and the speedier and the quicker the better as far as haste may be consistent with the doing of justice to the many interests and the welfare involved; the speedier the better as far as rapidity may permit of arriving at correct conclusions. The decree for a revision has thus been rendered, and it is now up to the Congress to execute the decree.

Mr. Chairman, more or less sacrifice must be experienced and suffered by business interests and by everybody by a readjustment of the tariff schedules. Unavoidably there must be more or less of a pause in business undertakings, a slackening of the pace of current business, and especially must there result a suspension of the launching of new enterprises on account of the possibility or probability or even certainty that such changes in values may be affected by revision as may have much to do with particular undertakings which may be in contemplation. More or less loss must be experienced in the loss of business, in the loss of time, and perhaps in the loss of values, temporarily it is to be hoped may be the case, so that what the country must experience in tariff revision is not unreasonably comparable to that of an individual who must undergo a surgical operation. He must anticipate it, prepare for it, and even be chloroformed in order to make the operation feasible, and assuming the operation to be successful, he must have a short time in which to regain his normal vitality. Mr. Chairman, it should be the aim in the process of the present revision to limit the suspension of business and the time of apprehension and uncertainty as to what is going to be done and as to what the result will be to the shortest time which may be practicable, and this makes it pertinent to add that the action of the President-elect and of the Ways and Means Committee and of the Congress in preparing so far in advance and in preparing to the fullest extent practicable during the present Congress for the revision to be made in the next Congress should be regarded as highly laudable indeed.

Mr. Chairman, favoring tariff revision—which I do favor—I am not thereby renouncing my fealty to the policy of protection, not in the least degree. I am just as devout a protectionist as I have ever been, and I early espoused the doctrine. Our country, our people, are greatly indebted to the policy of protection for its achievements in the general amelioration of the conditions of the people and our national upbuilding.

Mr. Chairman, a table which I hold and shall ask to have made a part of my remarks shows a comparison of the conditions of the people of this country in 1860 and in 1905, during a period when the policy of protection prevailed. This table shows results most gratifying to protectionists. I regret I could not find it practicable to carry the comparison to 1907, as it would have been yet more favorable to the policy of protection.

The table shows the development of the country between 1860 and 1905. The comparison ends with 1905, because an industrial census was taken that year, and we can not make a complete comparison for a later year.

	1860.	1905.	Per cent increase.
Population	13,443,321	83,143,000	618
Wealth	$16,159,616,000	$107,104,211,917	563
Wealth per capita	$513.93	$1,310.11	155
Money circulation	$435,407,252	$2,587,882,653	494
Circulation per capita	$13.85	$31.08	124
Imports of merchandise	$353,616,119	$1,117,513,071	216
Exports of merchandise	$333,576,057	$1,518,561,666	355
Imports of gold and silver	$8,550,135	$81,133,826	849
Exports of gold and silver	$66,546,239	$141,442,836	113
Value of farms and farm property	$7,980,493,080	$20,514,001,838	157
Value of farm products	$1,908,030,927	$3,764,177,700	92
Manufacturing:			
Wage-earners	1,311,246	5,470,321	317
Wages	$378,879,966	$2,611,540,532	589
Value of product	$1,885,861,676	$14,802,147,087	685
Miles of railway	30,626	217,341	610

Mr. Chairman, several facts are brought out by this comparison which are deserving of special notice. The gain in things which contribute to securing the comforts of life is much greater even than the gain in population, which was certainly very great. The average individual we find to have been two and one-half times richer in the world's goods, or all of his possessions, both in property and money, in 1905 than in 1860. In money he had about two and one-fourth times as much in 1905 as in 1860, for the per capita circulation in 1860 was $13.85 and in 1905 $31.08, and at this time the per capita is a little over $35. I do not have the table here with me, but I hope I may be permitted to correct my remarks to include a table covering consecutively the years commencing with the last year of the Harrison administration, including the succeeding administration of Mr. Cleveland, and then the succeeding administrations of William McKinley and Theodore Roosevelt, the latter two under the operation of the Dingley bill, which presents a very instructive contrast, as it were, of "before taking and after taking" both the protection and tariff-for-revenue prescriptions. Under the Harrison administration our per capita increased; under the Cleveland administration our per capita decreased at a rate which, had such a policy been continued with the same continuous effect until this time, our per capita would have been reduced to about $12. However, after four years the country was rescued from the tariff-for-revenue policy, and tariff for protection was reinstated in the form of the Dingley bill. Since this, step by step, we have been climbing higher and higher in the rung of the ladder of prosperity until now our per capita circulation is over $35; and the increase of the wealth of individuals, of the people in general, has kept pace with this per capita increase of our currency.

As to the balance of trade, Mr. Chairman, in 1860 it was on the wrong side and the American people had to reach down into their pockets and dig out $20,000,000 in gold for goods imported, in addition to the value of all goods exported, while in 1905 we sold enough to foreign countries to pay for all we bought of them and put into our own pockets a balance of four hundred millions. Manufacturers gave employment to three times as many wage-earners in 1905 as in 1860 and paid them about six times as much money for the labor performed. In 1860 the average earnings of a wage-earner was $288.95, as against $470.44 in 1905. Here was a gain for labor of 65 per cent. Railway mileage had increased, due to the stimulus of the protective policy and due to the increase of business, and consequent increase of earnings; transportation rates had decreased four-fifths. Meanwhile, the attractions to wage-earners in foreign countries was so great that six times as many foreigners were attracted to our shores as had been added to our population in the whole of our previous history. No stronger testi-

monial, Mr. Chairman, in vindication of the beneficent results of the operation of an economic policy than we find in this table, which does but meager justice, in support of the policy of protection can be found in the records of the industries and commerce of any country. Contemplating this record of the policy of protection, I have been impelled to the conclusion that if it had never been inaugurated and that if we had adhered to the policy of tariff for revenue only or free-trade principles, always barren of results beneficial other than for revenue merely, that the population of our country would not have been, taking a very liberal view of it, more than one-third of what it is to-day and our wealth proportionately smaller, speaking with moderation. Mr. Chairman, it is not that I would now renounce the policy of protection, it is rather that I would preserve and conserve the policy that I favor a revision. There is a limit, and it has always been contemplated by protectionists, that there should and would be a limit to the time during which industries, or the most of them, would be accorded a protective duty.

One purpose of the policy has been to build up and develop infant industries, and while it has been expected that the people would suffer some sacrifices in the payment of higher prices for a time during such growth, it has always been promised that as a result of the development of the protected industry and the increased competition thereby resulting in that line, that lower prices would follow, and thus that a tenfold or hundredfold compensation would be reaped by the realization of such lower prices to the consumer, or the amount of goods greatly multiplied over what was before produced at the start, and that when such a condition was attained the infant industry, then grown to adultship, should be weaned of the fostering policy of protection. This promise, this pledge, made for the virtue of the policy of protection, has been fulfilled as to many industries, and in recognition of this fact and in fulfillment of promises made by protectionists the tariff was lowered as to some of these industries, and some of them were even put upon the free list when the very excellent McKinley bill was formulated. This same policy was observed in the making up of the Dingley bill, notwithstanding it supplanted the Wilson-Gorman bill of the Cleveland administration.

Such, Mr. Chairman, has been the Republican policy since 1860, though naturally not always adhered to with the strictest accuracy.

Mr. Chairman, conditions have changed since the enactment of the Dingley bill, and it is on account of these changed conditions, occurring in a great variety of ways, that a revision has come to be deemed expedient. Some of the protected industries are no longer of the infant class. By the fostering effects of protection, with other reasons added, some of them have grown to adultship; yes, to mature years. In my judgment, to longer continue protection as to some of these for the sake of protection merely would be equivalent to enacting an old-age protective-tariff law and continuing them indefinitely upon the protected list as beneficiaries, upon the theory that the time has passed when they may stand alone without the support of protection.

Mr. Chairman, it is my judgment that lumber belongs to this class.

Mr. Chairman, how shall we revise; upward or downward? In my judgment, we should revise both ways; that is, a reduction should be made as to some things—perhaps many things—and the duty taken off entirely as to others, and as to some or a few things the existing duty should be raised, and as to some entirely new resources or industries a protective duty should be imposed for the first time. In my judgment, it depends altogether upon the circumstances of each case—the existing conditions as to each individual item—as to what should be done with it. Each resource, business, or industry should receive individual attention, and each case should be decided upon its merits, standing alone. Revision downward or upward should be based upon good reason found to exist therefor. However, the same general policy as to tariff or duty or reduction should be applied throughout. I do not regard it as tenable that merely because one industry is to be accorded protection that some other industry shall be included in the protected list, yet the equivalent of this has been contended for in the hearings had by the Ways and Means Committee. Any duty imposed or maintained should be for its immediate or ultimate beneficial effects upon the interests or prosperity of the people in general.

Mr. Chairman, I am going to advocate the placing of lumber upon the free list, and first I desire to call attention to the duties now imposed on importations.

When the timber is sawed into boards, planks, or deals, or into joists or scantlings, a tariff of $2 per thousand feet board measure is imposed on lumber. To this duty there are exceptions. Lumber of whitewood, sycamore, and basswood bears a duty of $1 per thousand feet board measure; while sawed boards, planks, deals, and all forms of sawed cedar, lignumvitæ, lance wood, ebony, box, grandilla, mahogany, rosewood, satinwood, and all other cabinet woods, not further manufactured than sawed, pay a duty of 15 per cent ad valorem, and veneers of wood and wood manufactured, not specifically provided for, must pay a duty of 20 per cent ad valorem.

For the present let us ignore the exceptional duties and go back to the duty of $2 per thousand feet on lumber not otherwise specified, the kind the most commonly in demand. When it is planed, an additional duty of 50 cents per thousand feet is imposed for each side so planed; and if it is tongued and grooved an additional 50 cents is imposed as duty. Thus planks for floorings would be taxed $3 per thousand feet, weather boarding $2.50 per thousand feet.

Mr. Chairman, the manufacture of lumber is no longer an infant industry. If the lumbering business in the United States has not been sufficiently developed, it never will be, because hundreds of mills have been shutting down for the want of more timber to saw—shut down because timber in the regions where they have been operating has been exhausted. The manufacture of lumber, Mr. Chairman, has become overdeveloped, because, as I contend, that when the consumption of any product is much greater than its production it is essentially overdeveloped as far as a resource to be continually drawn upon is concerned. We now consume three times as much as we produce, with the adverse conditions constantly increasing. We want lumber now; we have wanted lumber from the beginning; we want lumber more and more as our country develops and as our people progress. The demand for lumber as our country has developed and as our people have progressed has been increasing more and more in proportion to our population. The uses of lumber have been increased, many times increased, and the percentage of the consumption per capita has been increased, greatly increased, and continues to increase. For instance, it has been reliably ascertained that the lumber cut in 1880 was 18,000,000,000 feet; in 1890, 24,000,000,000 feet; and in 1900, 35,000,000,000 feet, while in 1907 the best judgment is that the cut was from 40,000,000,000 to 50,000,000,000 feet. This means lumber in the ordinary sense, Mr. Chairman. It does not mean the consumption of wood. The annual consumption of wood or timber for all purposes now amounts to 100,000,000,000 feet, the most conservative estimate, or to 140,000,000,000 to 150,000,000 feet, which may be said to be the maximum estimate.

Mr. Chairman, rapid as has been the increase of our population, the increase of lumber per capita has been yet faster. The increase in population from 1880 to 1900 was 52 per cent, while the increase in the consumption of lumber was 94 per cent. The average United States citizen is now using 400 board feet of lumber per annum, while the average European uses but 60 board feet. Vast as were our timber resources, vast as were our timber areas at the commencement and as young as our country is, already more than one-half of our timber resources have been exhausted; and, as I have already shown, the demand per individual for lumber has constantly been increasing. Mr. Chairman, I would regard it as absurd for anyone to contend that a duty upon lumber could be any longer justified for the purpose of developing the industry of the manufacture of lumber in the United States; and I am talking now merely as to the industrial and commercial propositions, omitting for the present the all-important consideration, the conservation of our natural resources, including timber.

Mr. Chairman, do those who advocate a continuance of a duty on lumber ask it upon any other ground than for the purpose of maintaining present prices, if not even for the purpose of promoting higher prices? If they have any reason at all, it must be for the sake of maintaining the present prices or in behalf of yet higher prices. But the legitimate question, Mr. Chairman, is, Will the welfare of the American people in general be better conserved by higher-priced lumber? Mr. Chairman, prices have been soaring for the last decade, with the exception of a little more than the last year, and that depression due to a cause which is sure to be but temporary. For several years—at least, until the fall of 1907—prices had been unreasonably, if not intolerably, high; prices had been and yet remain prohibitive to many otherwise would-be consumers, and have been for some time prohibitive for many purposes to which, if lower prices had prevailed, lumber would have been devoted.

That the prices of lumber, Mr. Chairman, have been rising, I quote from one of the most reliable authorities this statement:

Yellow pine advanced from $8.48 per thousand in 1899 to $15.02 in 1906; rise, 77 per cent; cedar rose from $10.91 to $18.12; rise, 66 per cent; cyprus from $13.32 to $21.94, and redwood from $10.12 to $16.64; rise, 64 per cent in each case; Douglas fir increased from $8.67 to $14.20; rise, 64 per cent; and poplar from $14.03 to $24.21, or 73 per cent.

Very noticeable increases are also shown by hickory, oak, spruce, western pine, hemlock, and ash. But, Mr. Chairman, this is the increase in prices of lumber merely, and while these increases are very great the percentages of increase are small, indeed, as compared with the increases of the values and prices of timber.

While the increases just cited in no case amount to 100 per cent, the increases in the prices of timber and of timber land for the sake of the value of the timber have varied from nominal figures to a thousand or even two thousand per cent. The manufacturers of lumber excuse themselves generally from the higher prices at which they sell lumber on the ground of the increased price of stumpage, which they must buy from the owners of timber, while some of the lumbermen who appeared before the Ways and Means Committee charged that retail lumber dealers are to an extent responsible for the unnecessarily high prices. However this may be, it is perfectly clear that the benefit to be derived from the increased price of lumber must inure largely to the owners of timber, for the higher the price of lumber the higher the price of stumpage is sure to go.

Wholly regardless of the merits of the contention of the manufacturers of lumber, regardless of the merits of their case or of their contention that their profits are not unreasonably high, it can not be gainsaid that a great monopoly exists on the ownership of timber, a monopoly upon one of the great natural resources of our country; upon a product the consumption of which is universal, and of course it is a necessity. I say a monopoly exists on the ownership of timber in this country because individuals have already acquired title to four-fifths of our remaining forest areas and because a very few men are the owners of the greater portion of this, say, at least three-fourths of the private ownership. It is well known that there are a few large timber owners in the United States who, respectively, own areas of timber lands greater in extent than all of the timber area that is contained in each of several European countries. Thus a few men own all the timber from which must be produced the lumber to be consumed by 90,000,000 of people with that population rapidly increasing.

Mr. Chairman, I contend that any benefit to be derived by maintaining a duty upon lumber will be secured by the owners of timber, who are not entitled to it upon any principle known to the policy of protection, rather than to the manufacturers of lumber, to encourage whom a duty was in the first instance imposed; and I submit to the membership of this House, as proof of this proposition, that while the prices of lumber have been going higher and higher, the prices of timber and of timber lands have increased at several times as great a rate.

Mr. Chairman, prices have been very high upon their face. They have been comparatively high—or, I might say, had been comparatively very high—until the financial flurry in the fall of 1907; but I shall demonstrate by better evidence than this that the prices of lumber have been unnecessarily high, unjustly high, by showing that the profits made by lumbermen have been unnecessarily and unreasonably large. Taking as a criterion either the ordinary interest rates on money or the net profits of various other branches of business, the profits of the lumber business appear to be very large indeed. They have been so high, so great, that if their businesses were stocked or capitalized for the amount actually invested, it is no telling at what premium the stocks would sell. It would, in some instances, sell for several times the amount of money invested, because of the large profits to be realized. Take, for instance, Mr. Chairman, a statistical table from the census of manufactories of lumber for 1905. It is shown that the lumber and timber products in the least advanced steps of manufacture for that year were worth $580,022,690. This large amount represented the receipts of the industry. Let us deduct the expenses:

Value of product		$580,022,690
Salaries	$19,878,092	
Wages	183,021,519	
Materials	183,786,210	
Miscellaneous	83,136,280	
		469,817,101
Net profits		110,205,589

This shows net profits upon an investment of $580,022,690 to have been $110,205,589. It requires but little calculation to show that the average profits of those establishments was over 21 per cent. I say 21 per cent was the average profit, and if 21 per cent was the average profit, assuming, as experience warrants, that in many instances little or no profits at all were realized by the poorer or poorest managed businesses, how much must have been the profit of the better and best managed businesses? We have a right, Mr. Chairman, to base our calculations upon the profits of a business reasonably well managed, and if 21 per cent is the average of good, bad, and indifferently managed companies a business reasonably well managed at the time we are talking about must have made a profit of—well, we can only guess at it, say 50 per cent and maybe 100 per cent or more. Now, these profits were realized, Mr. Chairman, upon the kinds of lumber for which there is the greatest demand, for which there is the largest amount of consumption, the ordinary everyday demand of the people at large.

Mr. Chairman, let us take a higher grade of the manufactures of lumber. A calculation similar to the one just made in regard to the less finished forms of lumber will show that the manufactures, the planing-mill products, including sash, doors, and blinds, made in 1905, and made at profits though not so large as were made upon the kind of lumber about which we have just been talking. I ask to be made a part of my remarks at this place a statistical table of the manufactures of sash, doors, and blinds:

Value of product in 1905		$247,441,955
Salaries	$9,960,230	
Wages	50,713,607	
Materials	143,137,662	
Miscellaneous	13,654,313	
		217,465,812
Profit		29,976,143
Capital		177,145,734
Rate of profit	per cent	17

The table shows that the average rate of profit upon this class of manufactured lumber was 17 per cent, and in this connection we had just as well ask to add to the table a statistical table which I now hold as to the manufacture of furniture:

Value of product in 1905		$170,446,825
Salaries	$9,131,357	
Wages	49,883,235	
Materials	73,619,914	
Miscellaneous	16,719,082	
		149,353,588
Profit		21,093,237
Capital		152,712,732
Rate of profit	per cent	14

While we are at it, permit me to add a table as to one more class of manufactures. I mean the business of the manufacturing of barrels. Mr. Chairman, I shall ask that the statistical table that I now hold in my hand be made a part of my remarks at this place:

Value of product		$49,424,294
Salaries	$1,891,802	
Wages	9,485,455	
Materials	31,092,679	
Miscellaneous	2,385,236	
		44,355,172
Profit		5,069,222
Capital		29,582,614
Rate of profit	per cent	17

The result of the calculation shows an average profit of 17 per cent for the manufacture of barrels. What other branch of business pays such large profits as the different kinds of manufactures of lumber and of wood?

Mr. Chairman, the rate of profits upon the manufactures of lumber and of wood is the legitimate, the just concern of the people at large, or the consumers of lumber. Who is it pays these profits? Essentially it is the consumer and nobody else who pays the profits. I am frank to admit that with free and unrestricted trade, with no corner or monopoly existing upon ownership whereby high prices are promoted and maintained, that the consumer might not have a right to gainsay the right to high profits; but when a tariff has been accorded and for a long period maintained, and when the manufacturers of lumber are taking issue with the people in their demand that lumber be placed upon the free list, then it becomes the privilege of every citizen in the United States to protest, and I earnestly protest against legislating to further uphold or maintain prices and profits so needlessly and so unjustly high.

But, Mr. Chairman, another proposition: Why is it the lumber business can not succeed without protection as to the business done in the United States? Why is it our domestic lumbermen can not successfully compete with the lumbermen of foreign countries, say of Canada, as to our home market, yet can compete very successfully in the markets of the world with Canada and all other countries.

Why is it, Mr. Chairman, that our domestic lumbermen can not compete for our home market without the protection of an import duty, especially as against Canadian lumbermen, when they can ship lumber to all parts of the world and successfully compete with Canadian lumbermen and the lumbermen of all the other countries, yet without any protection or advantage whatever? They successfully compete without statutory advantage in foreign markets, with the cost of transportation over the seas added to the cost of lumber in the United States, yet

the business must be fostered, indulged, by an import duty imposed upon Canadian lumber, for the sole and direct purpose of securing to them our home market. Upon the face of it the proposition seems so unreasonable as to be unworthy of serious consideration, yet several explanations are offered by American lumbermen themselves in justification of such demands, and I shall notice some of these propositions directly. But I had intended before this to say that I would ask that a table which I now hold in my hands showing exportations of domestic lumber should be made a part of my remarks, and I shall offer it right here:

Country.	Lumber.	Furniture.
United Kingdom	$7,152,709	$666,857
Belgium	1,400,894	25,840
France	705,388	84,960
Germany	1,981,112	173,411
Italy	723,422	72,048
Netherlands	2,759,094	59,633
Other Europe	841,759	124,452
British North America	4,871,808	817,685
Central America and Honduras	1,268,731	309,371
Mexico	2,282,640	944,169
Cuba	2,330,867	609,498
Other West Indies and Bermuda	732,609	122,378
Argentine	5,715,982	421,096
Brazil	1,220,089	75,182
Chile	1,232,697	79,736
Other South America	1,438,310	159,282
China	975,629	27,046
Hongkong	99,335	23,331
Japan	159,021	20,712
British Australasia	1,553,300	275,667
Philippine Islands	107,695	52,207
Other Asia and Oceania	71,862	19,639
British Africa	469,600	150,910
All other Africa	367,627	46,457
All other countries	824	260
Total	40,613,504	5,377,768

Mr. Chairman, this table shows that our lumbermen of the United States have been exporting lumber to the different countries in Europe, Asia, and Africa.

The table shows that in 1905 our domestic lumbermen shipped to foreign countries common lumber to the value of $40,613,504, and of furniture the value exported was $5,377,768.

Mr. Chairman, it has been reliably estimated that at this time our total exports of lumber and wood products or forest products exceed in value $126,000,000, and essentially this is in successful competition in foreign markets with Canadian lumbermen. It is successful competition, else the business would not be continued.

Mr. Chairman, we exported even to Canada within the last fiscal year $10,000,000 worth of manufactured lumber and the manufactures of wood, and at the same time we exported of the manufactures of lumber and wood to the Republic of Mexico of our product to the value of $3,632,717. Mr. Chairman, we are asked to guard our home market in behalf of our home lumbermen against Canadian lumbermen, and this in face of the fact that we have been exporting to Canada about one-half as much lumber, and this without any duty imposed by the Canadian government, about one-half as much lumber as Canada has imported into the United States.

The British Columbia manufacturers of lumber do sell somewhat in American markets on the Pacific coast, while the manufacturers of lumber in the State of Minnesota return the compliment by availing themselves of the market immediately north and northwest, in Canada, extending to the eastern slope of the Rocky Mountains, in Alberta. Mr. Chairman, if American lumbermen can sell a bill of lumber across the ocean, say, in England or Germany, for $1,000, they ought to sell the same bill here in the United States for $900, for the transportation across the Atlantic costs at least $100. Whether it be true or not that lumber is sold in foreign markets by our domestic lumbermen cheaper than they sell it at home, as charged by some, by reason of the indulgence accorded by a protective duty at home; whether this charge be true or not, it is perfectly clear that it ought to be sold at least 10 per cent cheaper at home than in foreign markets, because it costs at least 10 per cent of the value of the lumber to ship it across the seas. I am reliably informed that as a matter of fact the freight charges even to the nearest points across the ocean are more than $100 on $1,000 worth of lumber.

The Monthly Summary of Commerce and Finance for June, 1907, shows freight rates on lumber from New York to different European and other foreign ports per hundredweight, and, without taking time here or the space in the RECORD to prove my proposition, I assert that this reliable authority will show conclusively the correctness of my statement that the cost of freight from the United States to foreign points amounts to or approximates 10 per cent of the value of the lumber shipped; so that it is mathematically plain that lumber should be sold in the United States at a price at least 10 per cent lower than that for which American lumber is sold in trans-Atlantic points.

It follows that if our exports of lumber are not sold in European markets at prices 10 per cent higher than in the United States, that the process of "dumping" is being practiced to maintain high prices here. But I do not make the charge that "dumping" is being practiced, as I have not had time to inform myself sufficiently about it.

And what have the people in general gained by the exportation or foreign sales of lumber? One result unquestionably has been to raise prices of lumber higher at home by reason of a reduction of the supply for the home market in proportion to the amount shipped abroad. At the same time our domestic lumbermen, who are exporting large amounts of the best grade lumber to foreign countries, insist that the duty now required to be paid by Canadian lumbermen on their importation into the United States, must be continued, and this can result in no other way than in diminishing the supply for the American home market. Both of these conditions operate against the interests of American consumers of lumber, and by greatly reducing the supply for the home market the price to the American consumer is thereby increased. Thus, Mr. Chairman, it appears to me that lumbermen are enjoying the benefit of preventing competition for our American home market, and at the same time the benefit of free trade in foreign markets, or the benefit of the privilege of exporting lumber from the United States into foreign countries. They are certainly enjoying this privilege at the expense of the American consumer, by preventing the incoming of lumber by the imposition of a duty and permitting the outgoing without the payment of an export duty. The result has increased the selling price of lumber in the United States with the benefit going direct to the lumberman at the cost of the consumer.

Mr. Chairman, another untenable reason—I might say remarkable contention—for the maintenance of a duty upon lumber is the advantage which it is claimed is afforded Canadian lumbermen by the Georgian Bay water transportation route, extending from Canada far south into the United States, whereby Canadian lumber may be shipped from numerous rivers in Canadian territory to the Georgian Bay and its larger tributaries of lakes and rivers into Lake Huron in the United States, and thence west and south and east to various markets and points in the United States. It is contended that this excellent water route affording facilities for such very cheap transportation rates secures to the Canadian lumbermen, in the localities that may enjoy it, advantages so far superior to transportation facilities enjoyed by the American manufacturers that in order to enable American lumbermen to have any chance at all for successful competition with the Canadian manufacturers that the present duty must be maintained. Mr. Chairman, I think this is carrying the doctrine of protection beyond reasonable limits. I regard it as peculiarly untenable that just at this juncture, when demands are being made from all parts of the country upon Congress for great appropriations, for the enactment of laws authorizing the issuance of bonds for the improvement of waterways, projects good and bad, feasible and impracticable—I regard it as peculiarly untenable right at this juncture that the Congress should be asked to legislate this great waterway transportation road, of which there are none better or more useful in the world, out of business; legislate to render it impotent for the purposes of commercial intercourse with Canada.

And at whose expense? The expense of the American consumer, for the direct benefit of the American manufacturer—American lumberman—and yet the less direct benefit of the owners of American timber who now enjoy the greatest corner, the greatest monopoly that has ever been enjoyed by the control of any natural product. Manufacturers of lumber in British Columbia, upon or near the Pacific coast, also possess water transportation facilities, for they may ship by the Pacific Ocean south along the western borders of the States of Oregon, Washington, and California with the greater costs of transportation to them over what it may cost the American lumberman a negligible quantity. It would be just as reasonable to legislate to deprive the American consumer of any indirect benefit to him to be possibly enjoyed by this Pacific coast condition as to grant it a legitimate consideration that a duty should be imposed for the purpose of nullifying the benefits of the Georgian Bay, Lake Huron, and other American lakes route or routes.

Mr. Chairman, it seems to me to be palpably plain that these great natural resources and advantages, or advantages of

cheaper transportation afforded by these great waterway routes, are of much greater advantage to the people and to the consumer of lumber directly than any artificial advantage which may be created by the imposition of a tariff upon Canadian importations of lumber. If the people have any divine rights at all, the enjoyment of these great water routes given them by the Creator himself must be one of their divine rights. To impose a duty, to grant protection as against the benefits of cheaper transportation by these great waterways, to grant protection for such reasons I would regard as the height of absurdity and a perversion of the natural laws of trade and commerce.

Mr. Chairman, in the foreign markets our domestic lumbermen must necessarily compete with the foreign manufactures of lumber from all points in the world. They must compete, and compete successfully, or they can not do business in foreign markets. The fact that they can compete successfully in foreign markets without any protection whatever, without any favor whatever, without any artificial or legislative advantage whatever is conclusive that they can successfully compete for our home market without the advantage of a protective duty imposed upon importations from foreign countries.

Mr. Chairman, they compete when shipping to foreign countries, while paying freight rates equivalent to 10 per cent of the value of the lumber transported; then, why not, when they can save this 10 per cent when availing themselves of our home market, why not be able to successfully compete for the home market with these same world competitors who must pay more freight to reach our home market than does the home manufacturer. It is extremely unreasonable that it should be contended that protection is essential to successful competition for the home market and at the same time can be dispensed with in behalf of $126,000,000 worth of yearly business in foreign markets with no protection or advantage afforded.

The explanation is that competition invokes the best possible efforts, the very best business management, the practice of doing business in the most economical way and upon the most advantageous lines practicable. And this proposition, Mr. Chairman, leads to the conclusion that the result arrived at by business competition, the costs of manufacture, the cost of transportation, and all other expenses attendant upon the producing of any article or merchandise of value, that such costs and expenses thus ascertained while in competition, which are the result necessarily of reasonably good management, are the true basis of calculation as to the costs of the manufactures or products of the businesses concerned. One of the purposes of the policy of protection is to promote ultimately, if not immediately, competition, with the result of lower prices, which is to constitute compensation for any possible disadvantage previously endured on account of the protection afforded.

Whether or not the duty imposed upon foreign lumber shipped into the United States has prevented reasonable competition between the domestic purchasers of lumber, it is perfectly clear it has reduced the necessity, it is perfectly clear that it has lessened competition or rendered competition with Canadian producers less necessary. It has given the American producer as to the home market an advantage over the Canadian producer in proportion, at least, equal to the amount of the duty imposed.

Mr. Chairman, lumber manufacturers claim that the business stands second only in number of men employed, in the amount of farm produce consumed, and in the amount of business done. They claim that for this reason the existing duty should be continued upon lumber in order that the prosperity of the industry shall be continued. Everyone will grant it is highly desirable that the lumbering business shall prosper; it is desirable that every legitimate industry shall prosper; it is to the interest of the public that every business and every individual following a lawful vocation shall prosper, because there is a community of interest in the prosperity of every industry and, we may say, of every individual; there is an interdependency existing between industries and individuals in their mutual welfare and prosperity. Prosperity in one line of business diffuses itself and promotes in a greater or less degree the success or prosperity of other branches of business carried on in the same locality. But while it is highly desirable that the lumbering business shall prosper, is consideration to be given alone to the interests of lumbermen or the lumbering industry without regard for the interests of consumers and the public in general? Must it be made to prosper at the expense of the much greater number of consumers and of the people in general not interested therein? In their contention for a continuance of a duty on lumber to insure its prosperity, I fear the lumbermen are just as selfish as I myself or other persons or as the average individual, and when advocating their cause to the Congress, I fear they sometimes fall into the attitude of the English statesman, who, in conversation with Hume, I believe it was, the question was propounded by one to the other:

"What is the proper rule of legislation?" The other lord replied: "The greatest good to the greatest number." The question was then asked: "What is the greatest number?" The reply was: "Number one."

Mr. Chairman, it can not be reasonably expected that those who have come before the Ways and Means Committee in behalf of the industries they represent will keep in mind all the time or much of the time the interests of the public as well as their own interests. It can not be expected that they will be good business men, looking after business interests, and statesmen and publicists at the same time. And yet it is those who own and operate industries who have come before the committee rather than the consumers of the manufactures of these industries. The industries, or the owners of the industries themselves, are enough interested to prompt and justify them to go to the expense of coming to Washington and making the best showing or best case possible for the maintenance of a duty. On the other hand, each individual consumer is interested so little that he feels that it will not justify him, neither could he afford the expense of coming to Washington and presenting his views.

While the interests of the consumers, considered all together, are paramount to that of the industries, still the people do not become organized in behalf of their interests; and as to the question as to whether a duty shall be continued upon lumber, they have had but very little representation here in Washington by agents or delegations sent for that particular purpose. It therefore behooves Congressmen, the people's chosen representatives, to scrutinize closely the arguments made by those directly interested in the lumbering business in behalf of the continuance of a duty in order to make sure that the best interests of the public at large may be conserved.

In revising, the rule of "the greatest good to the greatest number" should be faithfully observed and applied. But, Mr. Chairman, as to the prosperity of the lumber business, without the imposition of a duty on importation from foreign countries, it seems to me from the condition of things that the lumbering business is sure to prosper provided the manufacturer of lumber, who is not himself the owner of timber, shall not pay the timber owner too high a price for stumpage. As to what prices the manufacturer shall pay the timber owner is a question to be determined by the contracting parties; if the manufacturer shall pay a price too high to permit of his selling the manufactured lumber to the consumer at a reasonable profit, he should suffer the disadvantage.

But, Mr. Chairman, with one-half of our original timbered area already consumed, exhausted, with a comparatively great population which has been increasing at a rapid rate and promises to continue to so increase, with the uses to which lumber and the manufactures of wood are devoted constantly on the increase, and added to this that the use of lumber per individual has been increasing at the rate of 10 per cent yearly, the prospects are that the prices of lumber, wihout being afforded any protection at all, must continue to go higher and higher until the annual growth of the reproduction of our forests shall be made to equal the yearly consumption, and I regret that the estimates of reliable experts fix this but forty years hence. The law of supply and demand for the next forty years, Mr. Chairman, with the present tendency of things, with the supply of timber remaining in proportion to our population and its rate of increase, will, I regret to believe, having in view the interests of the consumers and the public in general, operate to the advantage of home owners and lumbermen by a gradual rise of prices. They will need no duty, and they will soon find it out.

Mr. Chairman, our people have been already too prodigal of the abundant bestowment of nature upon our fair land. We have not only consummated, wasted, and destroyed our timber resources with improvidence, prodigality, and even recklessness. We have besides this, even as to legitimate consumption, consumed in an uneconomic way, and this Georgian Bay proposition which I have just been discussing emphasizes my proposition. No apprehension would exist in the minds of American lumbermen tributary to Lake Huron or the other adjoining lakes if the great forests bordering upon these lakes had been conserved during the last fifty years, but instead of having been conserved, the process of their consumption, waste, and destruction has been proceeding at a devouring rate so that they have become now almost exhausted. Even the very localities which used to be covered with timber of extra qualities and of high commercial values, have now become timberless, treeless, and these very localities are dependent upon other regions for their lumber supplies. If these great forests along these lakes had

been conserved as they would have been had our people been provident in their management and consumption, enough timber would yet remain to supply all the country tributary to the lakes and, as it is now, tributary to the Canadian market by reason of the facilities of transportation by the Georgian Bay route.

This lake region, unfortunately, constitutes no exception, however, to the uneconomic course of the consumption of timber in the United States. It has been the same as to other regions where the lumber industry became first developed. A difficulty has been that the regions first developed supplied not only the country adjacent thereto, but, as well, other regions of the United States remote therefrom where the lumber industry had not become developed—at least, not so far developed; and the manufacturers of lumber, where a start was already made, were too willing to enjoy a monopoly of the trade, which, while an immediate profit to them, was all the time proving detrimental to the future of our country. The consequence has been that, of our several great regions of timber, the one first developed in the lumbering business commenced furnishing and kept on furnishing, and thus gained and held a monopoly on the trade in other regions of the United States, without regard to whether it was from a natural or geographical or commercial or transportation standpoint, legitimate territory or not. The only question was whether it was profitable or not to the lumbermen enjoying the trade. Regions remote from the places of manufacture, whether these regions were timbered or not; and if not timbered, whether other timber regions yet undeveloped were nearer or not than the regions furnishing the lumber, the region first developing the manufacture of lumber has continued to furnish the lumber until practically all the timber of such regions has become exhausted.

Mr. Chairman, then in turn the next or the last remaining timber region to develop the lumbering business has in turn been furnishing lumber to the timber region, now timberless, which was first devastated. In this way the wasteful process of shipping things needlessly to and fro has been practiced, and transportation rates aggregating millions have as a penalty been paid by the consumers of lumber. And right now, Mr. Chairman, when it has been agreed on all sides that we are annually consuming three times as much lumber as we are reproducing, that our timber areas have while our country is yet young been more than one-half exhausted, and that at the rate we have been going in the consumption and destruction of timber and our rate of reproduction, that within twenty or thirty years our timber resources will have been practically exhausted. Right here, with a lumber famine staring us in the face, our Congress is asked to so legislate as to keep foreign lumber out of the United States and yet at the same time to permit domestic lumber to be exported and shipped to all parts of the earth. We are asked to so legislate, confronted by the appalling spectacle that within twenty or thirty years at the same rate of prodigality and folly our country will have become practically timberless. Besides shipping lumber to the countries of Europe, Asia, and Africa, and the South American States as well, we have been even shipping to Canada, the principal competitor. We have shipped into Canada from Minnesota and other parts of the United States lumber of our American manufacturers, about one-half as much lumber as Canada has exported into the United States. We have also been supplying markets in the Republic of Mexico, where timber is abundant, as well as in Canada.

Continuing in this practice of the exportation of lumber, the necessary result is that sooner or later all lumber that we consume must be shipped and imported from foreign countries. Now, it is very plain, Mr. Chairman, that to foster a proposition of this kind is to pervert the purpose of the policy of protection. One of the original purposes of the policy of protection was to bring markets and consumers nearer together; to bring manufacturers and consumers nearer together. As a result of the operation of this wise policy great manufacturing industries are now in operation in this country, which, without it, their equivalent would have been going on in European countries and the labor employed in them, and the consumers of such manufactures in a large measure would constitute the population of foreign countries instead of a part of the population of the United States. Thus the result of the policy has been to reduce the practice of useless transportation across the Atlantic necessarily carried on at the expense of the consumer to a minimum.

It should not be forgotten in this connection that in the early history of our country it was the carrying trade, meaning transportation business upon the seas, that antagonized the policy of protection, and some of the most distinguished opponents of the policy based their opposition wholly upon the ground that it was inimical to the carrying trade.

But the fallacy consists in the buying of products in foreign countries which may be produced with equal facility in our own country and by our own labor—our own consumers—and foreign countries, perhaps, buying of us what they themselves can as well produce; and thus by a useless exchange of these commodities, by means of the operation of transportation lines over the seas, a carrying trade is maintained. This is a fallacy just as much as the piling of chips first in one pile and then piling them in another, and it is to the credit of the policy of protection that its tendency has been to do away with so useless and yet very expensive a practice.

A wise policy would at the start have dictated that the five principal large timber regions of the United States should have been preserved and conserved by the policy which is now being so laudably inaugurated so as to make the annual growth or reproduction equal the annual consumption at least with a view to affording permanently an adequate supply to the country or regions which geographically should be supplied by the particular region. In this way, needless transportation from east to west, and in turn west to east, north to south, and in turn south to north, and so on, as to the different timber regions, needless transportation at the expense of the consumers would have been avoided, but, unfortunately, the very reverse has been the practice. Not only this; with these two great lessons staring us in the face, we are asked to perpetuate this same line of folly, as I contend must be the result if a duty shall be continued upon lumber.

Mr. Chairman, the demands being made for a continuance of the duty upon lumber seem to be so prejudicial, so detrimental, to the interests of our people—to our country—as hardly to be deserving of serious consideration.

But, Mr. Chairman, our American lumbermen contend that they can not compete with Canada manufacturers because the price of stumpage, especially that owned and sold by the Canadian government, is lower than the price of stumpage in the United States. They contend also as another reason that the price of oriental labor, employed to an extent in British Columbia, is lower than the price of American labor. Granting, for the sake of argument, that these statements be true, are they a proper criterion for tariff legislation in the United States? How long will these same conditions continue in Canada? May not the Canadian government raise the price of stumpage next year or next month or to-morrow? And how long will the oriental labor remain in British Columbia? May not these laborers emigrate out of the timbered country, out of the lumbering districts?

But, Mr. Chairman, as to this proposition as to oriental labor, there was a good deal of evidence adduced before the Ways and Means Committee tending to show that this oriental labor employed in the manufacture of lumber is no cheaper than white or American labor. It is true that the per diem is some smaller than that paid to white labor in Canada, and also in the United States; but it is considered that the value of oriental labor, especially when employed in the manufacture of lumber, is correspondingly less than that of white labor, and those who employ both white and oriental laborers are of the opinion that the oriental labor is more expensive in proportion to the amount of labor performed, and white labor is preferred at the higher prices paid therefor.

I submit, Mr. Chairman, that the fact that there are a few Mongolians employed in the manufacture of lumber in British Columbia is a consideration too trivial to be taken into account in the making up of a bill for the revision of the tariff schedules of this great Republic.

Pacific coast lumbermen urge they can not compete with the manufacturers of lumber in British Columbia and must be afforded protection by the imposition of a duty against Canadian lumber for that reason. They make this contention in face of the fact that British Columbia has but 150,000,000,000 feet board measure as compared with 700,000,000,000 feet board measure for the States of Oregon, Washington, California, and Idaho.

The statistics accord to British Columbia 150,000,000,000 feet; Oregon, 225,000,000,000 feet; Washington, 196,000,000,000 feet; California, 180,000,000,000 feet; and Idaho and Montana, 100,000,000,000 feet. But some of the Pacific Coast lumbermen contend that while they may get along without much or any duty imposed upon higher qualities of British Columbia lumber, that the Pacific coast American product must be protected as to its lower grades. They grant that they can compete both in our home market and in foreign markets in sales of the best grades, but contend that they can not at all compete and will be driven out of business as to the lower grades, if no duty be imposed upon Canadian lower grades. They contend that without a duty they can not ship the American lower grade even to our

home markets, let alone to foreign markets, and compete with the British Columbia low-grade product, notwithstanding costs of transportation to be paid by the British Columbia manufacturers to the United States. They contend that if no duty be exacted of the British Columbia manufacturer upon his low grade, that of the trees felled in the United States for manufacture, the part thereof which will only make low-grade lumber must be left in the forests, and that it will constitute an obstacle and hindrance to the regrowth and reproduction of timber.

They therefore insist that in behalf of the conservation and reforestation of their own private holdings that a duty should be imposed. In effect, they are in favor of the conservation of their own timber, but recommend that the consuming public defray the necessary expenses. Forestation is thus offered as an excuse for the demand for the continuance of the duty, yet without any pledge or any statutory obligation whatever to be imposed that performance will be made. The duty is to be granted without any obligation whatever to be imposed upon the owners of the timber. Mr. Chairman, why not be businesslike as to the proposition? If an incentive is to be offered, let it be put in business form and so as to make the arrangement a mutual one. If the public is to be made to pay for the conservation of private forests, let it be paid for in the form of a bounty paid upon the preservation and growing of timber. Let it be required that an account be taken in a proper way of the work done for conservation and the growth of the timber as a result thereof. Let this be done, Mr. Chairman, if the public is to pay for the protection and conservation of timber, of forests owned by individuals; and right here, Mr. Chairman, a bounty granted for the growing and production of timber in the United States, considering the present state of depletion of our timber areas, with a rapidly increasing population and the prospects for an ultimate very great population—say, eight or ten or twelve hundred millions—a bounty paid for the protection of timber would be much more reasonable, laudable, and statesmanlike than a duty imposed upon importations into the United States from foreign countries, which must have a tendency to further depiete our already greatly reduced timber areas. But, Mr. Chairman, neither a duty upon importations from foreign countries nor a bounty to be paid for the growth of timber is necessary in order that the lumbering business may prosper or that our forests may be restored. The lumber business will take care of itself without a duty and at a profit, and the demands for lumber are getting to be so great as to furnish an incentive for reforestation and reproduction at the expense of the owners themselves.

A provident and patriotic policy would dictate not only the placing of lumber upon the free list, but in the further interests of the people of the Republic and the future welfare of the country that a duty be imposed upon the exportation of lumber to foreign countries. An export duty will necessarily tend to lessen the shipments as well as sales of lumber to foreign countries, with the effect of increasing the amount of the product to be sold in American markets to American consumers, so that the competition between manufacturers would be thereby increased, naturally with the effect of lowering prices to consumers. I therefore recommend the placing of a duty upon the exportation of lumber equal to the import duty now provided by law.

Duties should be taken off of lumber because the industry does not need it; should be taken off because consumers stand in need of lower prices, which the profits of the lumbering business can stand; should be taken off to prevent high prices from going even higher; should be taken off to prevent too rapid consumption of our forests, with the menace of a lumber famine as a consequence and the placing of ourselves at the commercial mercy of foreign producers and foreign countries.

The duty should be taken off of lumber because it is essential to our industrial independence and our economic welfare as a Nation. It is important to the individual, community, State, and Nation that our timber resources be preserved; that the supply shall continue to equal the demand, and that lumber be kept available at living prices. It is especially improvident, uneconomic, and detrimental to present and future interests that the exportation of lumber be facilitated or even fostered when the annual reproduction is not equal to the consumption; when, in fact, the annual consumption is more than three times the yearly growth or reproduction.

Mr. Chairman, I contend that for the present and the future welfare and good of the country the existing duty should be abolished upon importations, and instead a duty imposed upon exportations of our domestic product.

Naval Appropriation Bill.

SPEECH
OF
HON. THEODORE E. BURTON,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 22, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes—

Mr. BURTON of Ohio said:

Mr. CHAIRMAN: In discussing this question it is well at the outset to call attention to the growth of our national expenditures. The amount carried in this bill—$135,000,000—is twice as great as the net expenditures of the Government for the fiscal year ending June 30, 1861, and yet at that time our country contained 35,000,000 of people. If we deduct the interest on the public debt, a legacy of the civil war, the amount of our net expenditures in 1878 was less than the amount carried in this single bill. Where will this increase of the burdens of taxation, of growing national expenditure stop? There is now in this country no opposition to this increasing expenditure which is at the same time aggressive and efficient. Party platforms declare against it. Speakers on the stump proclaim against the increase of our budgets, but individuals and parties alike must share the responsibility for the growing expenses of the Government. There is no task more thankless than that of him who takes a stand for economy in either branch of Congress or in the executive government. Yet there is no place where this growing expenditure can be checked so rationally as in this naval bill. Twenty years ago the cost of the navy was but a little over twenty millions per year; but at the present rate of increase an annual expenditure of two hundred millions—yes, of two hundred and fifty millions—is near at hand.

The amount of the naval budget hampers necessary increases of salary; it prevents the expenditure of money upon public works; it stands in the way of most desirable extensions of the public service; it requires additional and, no doubt, burdensome sources of revenue. I desire to especially emphasize the fact to-day that the building of these two battle ships is altogether unnecessary. We have now the second largest navy on the globe, notably in battle ships, and one which in efficiency is at the very forefront. What nation on earth is threatening us? This periodical war scare occurs whenever we have a naval bill up here for consideration. [Applause.] One time it is Germany, one time it is England; but they have all passed away like phantoms of the air. That which this Congress should do is to provide for the rational needs of the people, and not seek to guard against groundless fear or phantoms of the imagination. [Applause.] We may trust the traditional friendship of Japan, and we may also trust the fact that she is in no condition, from an economic standpoint, to wage war with a great nation. We may trust that she will not engage in aggressive movements which are unjustifiable against a powerful nation of the Caucasian race. I say this with the concession that in all candor I should call attention to a factor of growing importance among our people in the last ten or twenty years, and that is the increase of racial repulsion, an influence which must be taken into account and which should in every way be repressed both by the National Government and by the cooperation of individuals and state governments as well.

I usually agree with my friend from Iowa [Mr. HEPBURN], but I can not agree with his arguments to-day. He says we have had a war in each generation. The gentleman himself bore a noble part in one, for which he is entitled to all credit, but he adds we shall have another in each succeeding generation. That statement involves a careless reading of the history of the last one hundred years. The change from a condition, which a century ago or less was predominately one of war, to one now in which no nation can engage in conflict with another on light occasion, and in which the most serious differences are settled by peaceful means points to the morning dawn of peace and concord. An argument which he employs, it seems to me, may be used in support of this amendment providing for a lesser number of battle ships. He says we have entered each one of these wars unprepared. Did we not come out from each of them triumphantly? [Applause.] Yes, with honor; even with glory, and if we succeeded so well when we were unprepared, is it not certain that we would in the future succeed with that high degree of preparation which belongs to both the army

and navy? He states that our war for Cuba was one of sentiment. I can not agree with him in that. There was primarily trouble in that fertile island near at hand in which we had large commercial and other interests. Conditions there had become intolerable for us. Again, we could not sit idly by and see that island under the yoke of oppression and plunder, when we profess to the world that we are in the very vanguard of popular government and of the idea that the people must rule without oppression.

He states that any nation which attacks us must know their own peril in their assault. There is and always has been peril in assaulting the United States [applause], and that peril would be infinitely greater to-day than in any decade of our history; a peril due not only to a strong navy and a strong army, but to our unparalleled resources. Perhaps, I may say, a peril due more than all to the consideration of the future, to the conviction of statesmen that no one could idly or upon trifling occasion attack the United States, because it would mean a future which, if not of retaliation, would at least be of such diminished friendship and intercourse as to redound to the lasting injury of whatever country might attack us. Oh, but it is said, we must have a navy so that our contentions will be acquiesced in. What great contention in diplomacy which has made for the greatness of the American name was accomplished by a great navy? [Applause.] The Monroe doctrine was initiated and established and became a part of the settled policy of nations without the drawing of a sword or firing of a shot. It was initiated at a time when we were a weak, remote people, away from the great, powerful nations of the earth. The open door in China has been mentioned. What made our influence potent for securing that open door? Not the strength of our navy. If that were true, Great Britain and France and other powers, which have maintained powerful fleets in that locality for many years, would have secured it long ago. What did secure the open door? The confidence of the people of the great Flowery Kingdom in the justice and good intentions of the American people [applause], an influence which would have been diminished had we gone there with our battle ships and demanded anything of the kind.

In the brief time of this debate I can not go over ground which I have so frequently gone over before in this House; but I do wish to say that every nation, like an individual, has a work to do, a mission to perform. And no nobler mission could fall to the United States than to take a stand for peace. If we strike out this provision for the two battle ships, it will mean that we are at peace with all the world to-day and that we intend to be at peace with all the world in the future as well. [Applause.] It will mean to the struggling millions suffering from the tragedy of poverty or the pinching of want, to all those who desire enlarged opportunities and more of the comforts and conveniences of life, that we are aiding to lift the crushing weight of military expenses and duties from them. It will mean, even from the standpoint of enlargement of trade, that our prosperity will increase because their purchasing power will be increased. This problem is sure to be settled in the long run as an economic one. The nations of the earth can not go on in this mad rush for naval expansion. The burden, if not intolerable, will be intolerable in a very few years. Let us take the lead.

There were many notable events in that wondrous year of 1908, but that which will be longest recorded in history will be the appalling calamity in Italy. That will be remembered when many trivial and minor events shall have been forgotten in the dusty records of time. The most notable act, also, of this Congress will be the voting of $800,000 for the relief of suffering Italy. That measure passed here almost in silence, without a sound in opposition, and not a voice was needed in its support. The President had recommended it, and the sentiment of the American people demanded it. Our regard for humanity knew no distinction between republic and monarchy, no division by seas, but sent forth the declaration that bleeding, dying, suffering humanity awakened the sympathy and the affection of the American people. And so from our wealth, notwithstanding there might be constitutional questions, we gave from our abundance for the alleviation of the suffering of those people. Along that line, in measures which promote good will, which add to peace, which show that we are a part of the brotherhood of the nations and that humanity is one great whole, is our glory, and it will be not merely our glory but our very strength as a people. It will be remembered as an act of good will when naval bills making provision for battle ships are regarded as a reminiscence of the past and as due to useless rivalries and jealousies of nations, and when, in the larger view of humanity, in the great march of civilization, peace and good will prevail over all the earth. [Applause.]

Equal Treatment Abroad to All American Citizens—Catholic, Protestant, and Jew.

SPEECH

OF

HON. JOHN A. KELIHER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On House joint resolution 235, concerning and relating to the treaty between the United States and Russia.

Mr. KELIHER said:

Mr. SPEAKER: It is to be hoped that the adoption of the pending resolution will have the effect of stimulating the incoming administration to early and vigorous action upon a subject which brings a blush of shame to the face of every virile American whose attention is called to it. That bona fide American citizens should be treated with deliberate disrespect while traveling within the borders of a friendly nation is hardly conceivable, but that a passport of the United States, presented by a citizen of that country, should be spurned by a power professing friendship, and its holder submitted to gross indignities, is a matter that demands immediate and, if necessary, forceful consideration upon the part of this great Nation.

Mr. Speaker, cases such as I have briefly pointed to are not by any means isolated ones. It is the fixed policy of Russia to make a distinction between American citizens when upon Russian soil; to respect such Americans as kneel at certain altars and to maltreat those who are embraced within the Jewish faith.

It has been demonstrated with cogency and force by the distinguished Member from New York [Mr. HARRISON], who has given considerable study to this question, that Russia willfully violates the provisions of the treaty of 1832, and it must be apparent to all that our submission to such action is nothing short of pusillanimous and manifestly repugnant to the American idea, that the world must respect the sons of Uncle Sam. Note the contrast, Mr. Speaker, between our manner of treating with these outrages which are being visited upon our citizens in Russia and Japan's attitude where the real or fancied rights of her citizens in this country are concerned.

We have just witnessed the spectacle of a sovereign State, through its legislature, disregarding the pronounced sentiment of its people by refraining from the enactment of laws that would unquestionably conduce to the welfare of its people, because, forsooth, the President of the United States held that such state laws would run counter to the provisions of a treaty between this Nation and Japan. Such solicitude as that displayed by President Roosevelt for the Japanese citizen in California would have challenged popular admiration and been hailed with applause if directed with equal vigor and perseverance toward protecting the clearly established right of the Jew of American birth or adoption to the treatment due from tottering Russia to all American citizens.

Mr. Speaker, we know no distinction in citizenship in our country, and thank God for it, and the policy which permits an effete nation like Russia, or would allow a powerful nation like Great Britain, to meet any citizen of the United States visiting within its jurisdiction in the spirit which Russia does law-abiding Jewish-American citizens gives a hollow sound to the claim that at last the world recognizes us as a world power. We have spent a stupendous sum of money in parading our great fleet upon the waters of every clime, ostensibly to display our friendship for all foreign powers, but in reality to flaunt our newly acquired naval prowess.

What does the expenditure of all these millions upon our navy avail us if the dignity and rights of American citizens are not respected by foreign governments? We are told by the advocates of a big navy that the most effective manner in which to command respect abroad is to develop our strength upon the seas. We have taken our place as a world power upon this theory, but almost every day we learn of the insulting and abusive treatment of citizens of influence in this country at the hands of the minions of the autocratic Czar, and no other reason is assigned than that the citizen so maltreated is a Jew.

Mr. Speaker, there is much in the national trait of the Japanese that does not appeal to me, but I must say that I admire the vigilance and protection which that nation exercises over its subjects, no matter where they may roam or be domiciled, and I believe that this country might well emulate that example of

Japan, particularly in Russia, with a view to guaranteeing equal protection and respect to the Jew of American birth or adoption that the Catholic and Protestant American enjoys while in Russia or elsewhere. Consequently, Mr. Speaker, I advocate the passage of this resolution and express the hope that it may arouse Mr. Taft, when he has assumed the duties of President, to the grave necessity of taking immediate steps toward terminating a condition of affairs at once unjust to a great element of our citizenship, unbecoming our dignity, and harmful to our national integrity.

Indian Appropriation Bill.

SPEECH

OF

HON. JOHN W. LANGLEY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 13, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910—

Mr. LANGLEY said:

Mr. CHAIRMAN: I desire to repeat what I have had occasion to say heretofore on the floor of this House, that debate should always be confined to the general subject under consideration. It would tend to secure more thorough consideration of the subject and more intelligent action upon it, and would therefore aid in the expedition of the public business.

While we are engaged in the consideration of the bill providing means for continuing the administration of our Indian affairs I regard it as an opportune time to call attention to some things that have occurred in connection with that service. I desire to refer especially to the administration of the estate of the Choctaw and Chickasaw Indians. In the brief time allotted to me it will not be possible to go fully into the subject. I shall refer only to a few salient points, and I trust that I shall have the attention of the House, and [illegible]larly of the members of the Committee on Indian Affa[illegible].

Mr. Chairman, I undertake to say th[illegible] administration of this Indian estate is little less than a [illegible] scandal. It has formed the most fruitful source of [illegible]ersy and mismanagement of any Indian estate ever ad[illegible]istered by our Government. The course of some governmen[illegible] officers, charged by law with the duty of protecting the rights of individual claimants, has been characterized by mistakes and sometimes even by frauds so palpable that they can not fail to appeal to the conscience of any fair-minded man. I regret to make these statements, Mr. Chairman, because I do not like to indulge in this kind of criticism; but I make them upon my responsibility as a Member of this House and after the most painstaking investigation.

And one of the most startling facts of all is that these mistakes and frauds, which have resulted in denying to many legal claimants a share in this property, are now admitted by government officers themselves. Yet the Secretary of the Interior claims that he is powerless to afford these claimants any relief or protection under the present law. He has so informed the Senate of the United States. Notwithstanding that fact, Congress has failed thus far to enact legislation either to clothe the Secretary with power to correct these abuses or to confer jurisdiction upon the federal courts to do it. Various measures looking to these ends have been introduced in both Houses of Congress, but they are still pending in the hands of the committees to which referred. One of such bills was introduced by me at the last session. This bill provided that certain Indian descendants named in the bill should be admitted to enrollment. I became convinced that nothing could be accomplished by this method, and so the other day I introduced another bill, seeking to get at the matter by a different method. This bill, which has been referred to the Committee on Indian Affairs, where it is still pending, proposes to extend "to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes" the provisions of an act approved February 6, 1901, entitled:

An act amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes, for the fiscal year ending June 30, 1895, and for other purposes."

Mr. Chairman, I ask unanimous consent to insert a copy of my bill at this point in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

The bill is as follows:

A bill (H. R. 26918) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes.

Be it enacted, etc., That the provisions of an act approved February 6, 1901 (ch. 217, U. S. Stat. L., 56th Cong.), entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" be, and the same is hereby, extended to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes; and in order to make said act applicable to any person claiming any such right in said property said act is hereby amended to read as follows:

"SEC. 2. That all persons who are in whole or in part of Choctaw or Chickasaw blood or descent and who are entitled to share in the common property of the Choctaw or Chickasaw Indians under any treaty with said Indians or law of Congress, or who claim to be so entitled under any treaty, grant, agreement, or act of Congress, or who claim to have been unlawfully denied or excluded from participating in the common property of the Choctaws and Chickasaws to which they claim to be lawfully entitled by virtue of any treaty, grant, agreement, or act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper district or circuit court of the United States; and said district and circuit courts are hereby given jurisdiction to hear, try, and determine any action, suit, or proceeding arising within their respective jurisdiction and involving the right of any person, in whole or in part of Indian blood or descent, to share in the common property of said Choctaw or Chickasaw Indians under any treaty, grant, agreement, or law of Congress (and in said suit the parties thereto shall be the claimant as plaintiff, and the Choctaw and Chickasaw nations or tribes jointly as party defendant); and the judgment or decree of any such court in favor of any claimant to share in the common property of said tribes shall have the same effect, when properly certified to the Secretary of the Interior, as if such judgment or decree had been allowed and approved by him: *Provided*, That the right of appeal shall be allowed to either party as in other cases, and that no act of Congress or agreement limiting the time in which an application or assertion of right should be made shall operate to defeat the rights of any person entitled to share in the said common property under any treaty with or grant to said Indians.

"SEC. 3. That the plaintiff shall cause a copy of his petition, filed under the preceding section, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail copies of same, by registered letters, to the principal chief or governor of the Choctaw and Chickasaw nations, respectively, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letters. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Choctaw and Chickasaw nations in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Indian governments or tribes, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 4. That whenever it shall appear to the satisfaction of the court in which the proceeding has been instituted that there is in the possession of any department of the Government, or of any bureau, division, or commission thereof or thereunder, any record or records material to the proper determination of the issue being heard, or about to be heard, the head of the department in which such record is kept shall, upon request of the judge of said court, transmit a certified copy of the record or records on file in his department to the clerk of the court to be used at the trial of the case without any charge therefor: *And provided further*, That all records in the possession or custody of any government officer or department or division, bureau, or commission thereof or thereunder pertaining or appertaining to the rights of any such claimant shall, upon request of the claimant or his authorized attorney, be open to inspection: *Provided further*, That all suits brought under the provisions of this act shall be commenced within six months after the passage of this act, and the court, upon the request of either the plaintiff or defendant, shall advance any suit instituted under the provisions of this act on the dockets thereof to as early hearing as is consistent with the rights of the parties and the interests involved."

Mr. LANGLEY. Mr. Chairman, the effect of this bill would be simply to extend the provision of the general law, being the act of February 6, 1901 (ch. 217, U. S. Stat. L., 56th Cong.), so as to enable any Choctaw or Chickasaw claimant who claims to have been erroneously denied the right to share in the property of the tribe to go into the proper United States court and have his claim judicially determined. The records show that this law has enabled many claimants of the tribes to which it now applies to obtain their share of Indian tribal property after they had been denied recognition by the administrative officers of the Government. Can anyone give me a good reason why these tribes should be denied the protection of a statute that has proved so beneficial to members of other tribes who

would have lost their property rights had it not been for that statute? The necessity for giving the Choctaws and Chickasaws this access to the courts is far greater than it was for passing the law giving such access to all claimants where the title in fee was held by the Government—the Indian possessing only the right of occupancy—because the Choctaws and Chickasaws own the property absolutely, the title having passed from the United States by virtue of the patent issued by the President in 1842, and the Government having declared by act of Congress that it has no property interest therein. And an unanswerable reason, it seems to me, why this remedy in the courts should be given the Choctaws and Chickasaws is the admission of the Secretary of the Interior, to which I have already referred, that many of these claimants have been erroneously denied their rights and that he is powerless to remedy the wrong.

In his annual report for the fiscal year ending June 30, 1907, the Secretary says (p. 20):

> Requests have been presented, and doubtless efforts will be made, to reopen some if not all of these rolls, but it is to be hoped that such action will not be taken. Without doubt there are persons on the rolls who are not entitled to be there, and there are persons not on the rolls whose names should be there, but after the years of painstaking inquiry and determinations made by the citizenship court, by the commissioners to the Five Civilized Tribes, and finally by the Secretary of the Interior, it is believed that the cases of injustice or mistake are too few to justify an action that would surely result in thousands of claims being presented for readjudication.

Mr. Chairman, I respectfully dissent from this conclusion of the honorable Secretary. It being admitted that claimants have been erroneously denied by the Government their right to share in this property, I do not think that the Government is justified in refusing a remedy because of the amount of work or trouble that might be involved in giving it.

I shall not undertake, because I have not the time, to go into the history of all the legislation on this subject, including the creation of the Commission to the Five Civilized Tribes and the Choctaw-Chickasaw citizenship court, nor of the irregularities and errors that have characterized the administration of this estate, nor to show the departures from justice and from the law in adjudicating individual cases which are disclosed by the record.

The law required that every tribal roll should be taken into account in making up the final rolls.

Assistant Attorney-General Willis J. Van Devanter, in an opinion rendered for the guidance of the Secretary and the commission, under the act of June 28, 1898, under which the rolls were made, directed the enrollment of all persons whose names appeared upon any tribal roll and their descendants. The following is a complete list of the rolls which were in the custody and possession of the Commission to the Five Civilized Tribes and the Secretary, and were the only rolls used as a basis for the preparation of the so-called "final rolls," as will appear from an official report of the Secretary and printed as Senate Document No. 505, Sixtieth Congress, first session (p. 4 and 5):

Choctaw Nation.—The 1885 census rolls; the 1893 census rolls; the 1896 census rolls; and memorandum rolls.

Chickasaw Nation.—The 1893 pay rolls made by Maytubby; the 1896 Ieshatubby rolls; the 1896 census roll; and memorandum roll.

On page 3 of the same report the Secretary advises the Senate that none of these rolls are complete rolls of the Choctaw and Chickasaw Indians, and that most of the rolls omitted the names of persons included in entire counties and districts of the Choctaw and Chickasaw nations.

It is alleged that these rolls were made by Indian officials who were pecuniarily interested in the property. If so, this fact alone should, I think, have precluded their use at all, and certainly should have precluded their being used exclusively as the basis for the preparation of the so-called "final rolls." I think this observation is sustained by the language of the court in the case of New York Indians *v.* United States (40 Ct. Cls.), in which the court in deciding an identical question said:

> To accept as final the determination of such communities or societies on the question of a legal right to participate in the fund would be an evasion of judicial duty. It would be committing individual rights to the incompetent hands of those who have a direct pecuniary interest in the decision. Neither can the court accept the action of any community subsequent to the date of the treaty as being a legal determination on the question of communal membership; and where it appears that since the execution of the treaty a communal roll has been tampered with and persons who were not Indians have been admitted to communal membership from improper motives and by arbitrary methods, the court will not regard them as beneficiaries under the treaty or as persons entitled to participate in the fund. * * * In determining the persons who were termed "Indians" within the intent of the treaty, the court must resort to the actual communities then existing, so far as they can be ascertained, and must carry out the obvious intent of the treaty without being limited by Indian laws or customs which would defeat its chief purpose. * * * Consequently the court must adopt a rule of descent or participation which would embrace all persons whom it was the policy of the United States to remove, and this rule being ex necessitate rei, once established must continue. * * * This is not a question of Indian citizenship or tribal custom or communal ownership in Indian property, but simply a question of contract, of the subject-matter and purpose of contract, and of the intent of those who entered into it. * * * The court appreciates the work done by the direction of the Secretary of the Interior, and regrets that there should be a difference of opinion as to the distribution of the fund; but for the reasons hereinbefore given, the court can not regard this as simply a distribution of Indian property by Indian methods, according to Indian law, and at the dictation of Indian communities. The court, acting judicially, must be controlled by the purpose of the treaty and the terms of the jurisdictional act. It can not exclude from rolls Indians who were or whose ancestors were parties to the treaty of Buffalo Creek, and it can not admit as beneficiaries Indians who were not parties to the treaty of Buffalo Creek and whose ancestors were not. Neither can the court uphold the unsatisfactory, if not fictitious, rolls which some of the parties have framed, nor can the court allow Indian law or custom or decision to determine who shall participate in the distribution of this fund and in effect decide who were persons intended to be removed from New York and Wisconsin to the country west of the Mississippi.

LIST OF ROLLS NOT USED.

The following rolls prepared by government officers and agents, and which are authentic, reliable, and complete rolls, were in the possession and custody of the Secretary of the Interior and Secretary of the Treasury, but were never used or consulted by the commission or the department when the so-called "final rolls" were made. Upon these rolls appear the names of many persons who have been denied the right to share in this property or the names of their immediate ancestors (S. Doc. No. 505, 60th Cong., 1st sess.):

LIST OF ROLLS IN THE POSSESSION AND CUSTODY OF THE SECRETARY OF THE INTERIOR.

1. Register of Choctaw Indians claiming lands under the various provisions of the Choctaw treaty of 1830 and the supplement thereto, prepared by F. W. Armstrong in 1831.

2. In 1831, after the Choctaw lands had been surveyed, George W. Martin was sent to the ceded Choctaw country, in Mississippi, to make a record of those Choctaws who claimed land under the treaty and supplement, and of the description by government survey of the lands claimed. He was engaged in business until the year 1836, and his report is generally known as "Martin's Register."

3. Immediately after the ratification of the treaty of 1830 the Choctaw Indians began to complain that the agent had refused to make record of the desire of many of their number to remain east of the Mississippi and reap the benefits of the fourteenth article of that treaty. The proofs submitted to the War Department regarding the allegations of misconduct on the part of the agent were so convincing that Congress passed an act, approved March 3, 1837 (5 Stat. L., 180), providing for the appointment of commissioners to adjust the claims to land under the fourteenth article of the treaty.

4. The general emigration of the Choctaws under the treaty was begun in 1831 and ended early in 1833. The records of the Indians transported west by the Government during all these years are in the Indian Office.

5. Only half the scrip to which the Indians were entitled was delivered to them. Some of it was delivered west of the Mississippi and some east.

6. In 1855 Douglas H. Cooper, the agent of the Choctaws west, was directed to go to the Choctaw country in Mississippi, Louisiana, and Alabama and make a census of those members of the tribe still remaining in those States. Mr. Cooper visited the Choctaw country and made a roll.

7. In 1856 the tribal authorities of the Choctaw Nation presented schedules of claims made by individual citizens of the nation for the expense of self-emigration and for losses of property incident to the removal.

The rolls of the Chickasaws are as follows:

1. The emigration muster rolls compiled in 1837 by A. M. M. Upshaw.
2. The census roll made in 1839 by A. M. M. Upshaw.
3. Book No. 13, covering reservation claims of the heads of the Chickasaw families.

List of rolls in the office of the Auditor for the Interior Department, showing payments by sundry disbursing officers to the Chickasaw Indians.

No.	When prepared.	By whom prepared.	For what purpose prepared.
1	June 30, 1839	Capt. R. D. C. Collins	Incompetents, 1838.
2	No date	A. M. M. Upshaw	Incompetents, 1840.
3	do	do	Incompetents, 1841.
4	June 30, 1843	do	Incompetents, 1843.
5	No date	William Armstrong	Do.
6	December 21, 1844	A. M. M. Upshaw	Annuity, 1844.
7	June 18, 1846	do	Annuity, 1845.
8	No date	do	Annuity, 1846.
9	do	do	Annuity, 1847.
10	do	do	Annuity, 1848.
11	do	do	Do.
12	do	do	Annuity, 1849.
13	February 13, 1851	George W. Long	Annuity, 1850.
14	No date	Kenton Harper	Annuity, 1851.
15	December 25, 1852	A. J. Smith	Annuity, 1852.
16	February 28, 1854	do	Annuity, 1853.
17	January 1, 1855	do	Annuity, 1854.
18	January 12, 1856	D. C. Cooper	Annuity, 1855.
19	December, 1856	do	Trust fund interest, 1856.
20	December 11, 1858	do	Annuity, 1858.
21	No date	do	Annuity, 1859.
22	December 29, 1860	do	Annuity, 1860.

List of rolls in the office of the Auditor for the Interior Department showing payments by sundry officers to the Choctaw Indians.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Settlement No.	Date of settlement.
1	1833	F. W. Armstrong.	Relinquishment	17219	May 11,1833
2	1833	do	do	17219	do
3	1833	do	do	17219	do
4	1833	do	do	17219	do
5	1833	do	do	17219	do
6	1833	do	do	17219	do
7	*July 25,1833	do	Supplies	18125	May 12,1834
8	do	do	do	18125	do
9	Feb. 1,1832	do	do	18125	do
10	Jan. 17,1832	do	do	18125	do
11	do	do	do	18125	do
12	do	do	do	18125	do
13	May 1,1832	do	do	18125	do
14	do	do	do	18125	do
15	May 1,1833	do	do	18125	do
16	Dec. 20,1833	do	do	18125	do
17	Nov. 8,1833	do	do	18125	do
18	Dec. 20,1833	do	do	18125	do
19	do	do	do	18125	do
20	do	do	do	18125	do
21	do	do	do	18125	do
22	Jan. 15,1834	do	Pensions	18125	do
23	No date.	do	Relinquishment	18125	do
24	do	do	Captain's receipt roll	18125	do
25	do	do	Relinquishment	18125	do
26	do	do	Captain's receipt roll	18125	do
27	do	do	Relinquishment	18125	do
28	do	do	Captain's receipt roll	18125	do
29	1832-1834	do	Supplies	30136	May —,1836
30	No date.	do	Relinquishment	30136	do
31	do	do	do	30136	do
32	do	do	do	30136	do
33	do	do	do	30136	do
34	Dec. 31,1839	Wm. Armstrong.	Annuity, 1839	5107	Nov. 6,1840
35	do	do	do	5107	do
36	do	do	do	5107	do
37	No date.	do	Annuity, 1840	6432 B	Nov. 23,1841
38	Nov. 28,1840	do	do	6432 B	do
39	do	do	do	6432 B	do
40	Sept. 1,1842	do	Interest roll, 1841	338	Nov. 24,1843
41	do	do	Annuity, 1841	338	do

* Treaty articles.

List of rolls in the office of the Auditor for the Interior Department showing payments by sundry officers to the Choctaw Indians.—Cont'd.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Settlement No.	Date of settlement.
42	Sept. 1,1842	Wm. Armstrong.	Annuity, 1841	338	Nov.24,1843
43	do	do	do	338	do
44	Mar. —,1843	do	Annuity, 1842	338	do
45	do	do	do	338	do
46	do	do	do	338	do
47	Sept.15,1842	do	Interest roll	338	do
48	Mar. 29,1843	do	do	338	do
49	do	do	do	338	do
50	do	do	do	338	do
51	Dec. 20,1843	do	Annuity, 1843	1040	July 12,1844
52	do	do	do	1040	do
53	do	do	do	1040	do
54	Nov. 8,1844	do	Annuity, 1844	2564	Sept.26,1844
55	do	do	do	2564	do
56	do	do	do	2564	do
57	Sept.30,1845	do	Annuity, 1845	2822	Dec. 20,1845
58	do	do	do	2822	do
59	do	do	do	2822	do
60	Feb. 5,1841	do	Payment for interest on scrip.	6177	Mar. 21,1845
61	Dec. 10,1846	do	Annuity, 1846	5115	June 22,1847
62	do	do	do	5115	do
63	Dec. —,1849	John Drennen.	Annuity, 1849	10748	Aug. 30,1849
64	do	do	do	10748	do
65	do	do	do	10748	do
66	1849	do	Interest on scrip, 1849	10748	do
67	1851	Wm. Wilson.	Orphan roll, 1851	13529	Jan. 14,1853
68	1851	do	Annuity, 1851	13529	do
69	1851	do	do	13529	do
70	1851	do	do	13529	do
71	1851	do	Interest on scrip, 1851	13529	do
72	1854	D.H.Cooper	do	2237	Jan. 14,1855
73	Oct. —,1855	do	Average annuity	4410	1855
74	do	do	do	4410	1855
75	do	do	do	4410	1855
76	Mar. —,1856	do	Interest on scrip	4953	1857
77	May —,1856	do	do	4953	1857
78	{Nov. —,1856 {Dec. —,1856	do	Orphan payment	{17785 {5295	

List of rolls in the office of the Auditor for the Interior Department, showing payment by United States Indian agents to Choctaw and Chickasaw Indians for the period from July 1, 1874, date when the Union Agency was established at Muskogee, Ind. T. (Oklahoma), to September 30, 1907.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Tribe.	By whom and when paid.
1	Not shown	R. L. Owen	Annuity payment	Choctaw	R. L. Owen; voucher 16, fourth quarter 1886.
2	do	do	do	do	R. L. Owen; voucher 7, first quarter 1887.
3	do	do	do	do	R. L. Owen; voucher 15, second quarter 1887.
4	do	do	do	do	R. L. Owen; voucher 8, third quarter 1887.
5	do	do	do	do	R. L. Owen; voucher 10, first quarter 1888.
6	do	do	do	do	R. L. Owen; voucher 16, second quarter 1888.
7	do	do	do	do	R. L. Owen; voucher 1, third quarter 1889.
8	do	J. B. Shoenfelt	Per capita payment	Chickasaw	J. B. Shoenfelt; voucher 132, fourth quarter 1903.
9	do	do	do	do	J. B. Shoenfelt; voucher 281, first quarter 1904.
10	do	do	do	do	J. B. Shoenfelt; voucher 338, second quarter 1904.
11	do	do	Town-site fund payment	Choctaw	J. B. Shoenfelt; voucher 1, fourth quarter 1905.
12	do	do	do	Chickasaw	J. B. Shoenfelt, voucher 2, fourth quarter 1905.
13	do	Dana H. Kelsey	do	Choctaw and Chickasaw	Dana H. Kelsey; voucher 443, second quarter 1906.
14	do	do	do	Mississippi Choctaws	Dana H. Kelsey; voucher 438, second quarter 1906.
15	do	do	do	Choctaw and Chickasaw	Dana H. Kelsey; voucher 429, second quarter 1906.
16	do	do	Per capita payment	Chickasaw	Dana H. Kelsey; voucher 467, third quarter 1906.
17	do	do	do	do	Dana H. Kelsey; voucher 525, fourth quarter 1906.
18	do	do	do	do	Dana H. Kelsey; voucher 393, first quarter 1907.
19	do	do	do	do	Dana H. Kelsey; voucher 372, second quarter 1907.
20	do	do	do	do	Dana H. Kelsey; voucher 290, third quarter 1907.
21	do	do	Town-site fund payment	Choctaw	Dana H. Kelsey; voucher 1, third quarter 1907.
22	do	do	do	Mississippi Choctaws	Dana H. Kelsey; voucher 2, third quarter 1907.
23	do	do	do	Chickasaw	Dana H. Kelsey; voucher 2, third quarter 1907.
24	do	do	do	Choctaw and Chickasaw	
25	do	do	Per capita payment	Chickasaw	
26	do	do	Town-site fund payment	Choctaw and Chickasaw	

I am advised that there are other and additional rolls to those herein above enumerated, some of which were actually in the custody and possession of the Commission to the Five Civilized Tribes when the final rolls were made, and which additional rolls were never used or consulted by the commission in making up the so-called "final rolls" of citizenship of the Choctaws and Chickasaws, and which additional rolls were recently discovered by Assistant Attorney-General J. W. Howell during an investigation of this subject conducted in November, 1908, by direction of the department.

Mr. Chairman, on the rolls not consulted at all appear the names of many claimants, most of them known as the "Harper claimants," who live in my district, or the names of their ancestors. Their descent from Choctaw and Chickasaw ancestors is not questioned. They are just as much entitled, in equity and justice, to a share in this property as those who happened to pass the scrutiny of the final enrolling officials, and more so than some of them, because it is conceded that some of those who are enrolled were not entitled to enrollment. Many of these claimants are minor children, many widowed women, and nearly all of them are in need of the money that a just distribution of this property would bring to them.

The many complicated questions connected with this whole affair are of such a character that only a court should or can properly determine them. That is why I introduced the bill to which I referred in the outset, and I trust that the Committee on Indian Affairs will act upon it and act promptly. The estate is now practically intact, but the Secretary of the Interior says that inasmuch as he has no power under existing law to correct mistakes in the rolls that have been made up by officials of the department and approved by his predecessor, he must proceed to distribute the property according to that enrollment. If this is done, our Government will be responsible for diverting nearly half a billion dollars from the rightful owners, which it would

be in honor bound to make good. The way to avoid this is to give these claimants the right to a court review of their cases, and thus do even-handed justice to all concerned and put an end, once and for all, to this unfortunate controversy.

I have also introduced a bill extending the time for the Eastern Cherokee claimants to present their claims to share in the judgment of the Court of Claims, rendered on May 18, 1905, against the United States in the sum of $5,000,000, this being the amount found due the Eastern Cherokees under the treaty of 1838. There are a number of these claimants residing in my district who did not have actual notice of the limitation as to the date of filing their claims and others who did not understand their rights. Now that they do understand these matters and are seeking the privilege of filing their claims in order to establish their right, I do not think that Congress can afford, under the circumstances, to deny their request. I will insert here a copy of this bill:

A bill (H. R. 26213) extending the time in which the Court of Claims shall receive application of persons to share in the judgment of said court rendered May 18, 1905, in favor of the Cherokee Indians.

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to receive for three months after the approval of this act the claim of any person to share in the moneys appropriated by the act approved June 30, 1906, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," which appropriation was in satisfaction of the judgment rendered by the Court of Claims on May 18, 1905, in the consolidated cause No. 23129, and entitled "The Cherokee Nation *v.* The United States," "Eastern Cherokees *v.* The United States," and "Emigrant Cherokees *v.* The United States;" and any claim filed within said time shall receive the same consideration as though it had been filed prior to August 31, 1907, the limitation of time fixed by said court.

Mr. Chairman, it is manifest already that no legislation on these subjects can be secured at the present session. The people of my district have honored me with a seat in the next Congress, and one of the pledges I made to them was that I would endeavor to secure legislation that would restore the rights, unjustly denied, of these Indian descendants. In obedience to that promise I have spent much time in the investigation of the subject and have made every honorable effort that I could in their behalf. In obedience to that promise I have made this statement of their case to-day, and in further obedience to it I give notice now that I shall introduce these bills again in the next Congress and shall earnestly press them for early consideration.

Addition to Rock Creek Park.

SPEECH
OF
HON. THEODORE E. BURTON,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1909.

The House having under consideration the bill (S. 4441) to acquire certain lands in the District of Columbia as an addition to Rock Creek Park—

Mr. BURTON of Ohio said:

Mr. SPEAKER: I do not know that I will require more than five minutes.

The bill adds to the parks of Washington approximately 100 acres of land. It extends Rock Creek Park across Connecticut avenue to Massachusetts avenue and includes an area excellently adapted for the purposes of a park. The proposed cost is $423,000, one half of which is to be paid by the District of Columbia and the other half by the United States. It involves a readjustment of boundary lines, but gives to Rock Creek Park a large front on Massachusetts avenue and makes it more readily accessible from other portions of the city. It also affords a place of resort and a playground in a very rapidly growing portion of the city of Washington. I am free to admit that I am not familiar with real-estate values in this city—that is, in any general or comprehensive sense—but I have made inquiry with reference to this property, and so far as my information extends it is a very reasonable price, because property is selling on all sides of it on a higher scale.

I am frank to admit a sentimental interest in the parks of the city of Washington, and especially in Rock Creek Park. In the Fifty-first Congress, twenty years ago, I was a member of the Committee on the District of Columbia. That committee was the first to make a recommendation for the establishment of Rock Creek Park which was crystallized into law. At that time there was strenuous opposition to the acquisition of the necessary lands for a park; and no one can make any remarks against this bill to-day without practically repeating what was said then. But Congress, and I think I may say the people of the country, were interested in the beautification and the adornment of this capital city. We are proud of it, and trust that it will become before many years, if it is not already, the most beautiful city in the world. Its attractiveness and beauty gained immensely by the acquisition of that park. I want to say that this addition is in the nature of essential growth and development, not merely of the parks, but of the city itself.

This bill is favorably reported by the Committee on Appropriations, where it was considered for a long time, and, I think I can say, comes to us with the general approval of citizens of Washington, if not their unanimous approval; and I hope the measure can pass.

Mr. SHERLEY. Before the gentleman takes his seat, will the gentleman yield to an inquiry or two?

Mr. BURTON of Ohio. Certainly.

Mr. SHERLEY. Does the gentleman know anything about the value of the land which is proposed to be given by the District for land to be given by certain property owners along the route?

Mr. BURTON of Ohio. There is a parcel of land, owned by private parties, fronting on Massachusetts avenue on the side toward the park, which is to be exchanged for property on the other side owned by the United States that is smaller in area.

Mr. SHERLEY. Does the gentleman know anything about the value of that exchange, and whether it is really a proper exchange or not?

Mr. BURTON of Ohio. I have not made any study of that subject, but my opinion is that the property outside which would be transferred to the private parties is less valuable than that which is acquired. This exchange is desirable for the private party because it is adjacent to other lands he has.

Mr. SHERLEY. If I understand the gentleman's position, it is desirable to add this tract to the parking system; but will he express his own opinion as to the value of the property to be bought?

Mr. BURTON of Ohio. As I said, I am not posted on real-estate values in the city of Washington. I have made considerable inquiry in regard to this, and the unanimous result, so far as these inquiries have extended, is that the price is extremely reasonable.

Mr. SHERLEY. But your proposition is the proposition that confronts the House. And I would thank the gentleman if he would give his personal opinion as to the value of that property.

Mr. BURTON of Ohio. As I have already said, I am not an expert on real-estate values in Washington.

Mr. SHERLEY. I want also to correct the impression given that the Committee on Appropriations as a whole favor this bill.

Mr. BURTON of Ohio. The report is here printed.

Mr. SHERLEY. I understand.

Mr. BURTON of Ohio (reading):

Mr. TAWNEY, from the Committee on Appropriations, submits the following report——

Mr. SHERLEY. And it is worth reading.

Mr. BURTON of Ohio (continuing):

from the Committee on Appropriations, to whom was referred Senate bill—

And so forth—

having considered the same, report it back with the recommendation for its passage.

If there was any minority report, I have not heard of it.

Mr. SHERLEY. There is not; but this is the fact in connection with that: The matter was reported out over a year ago and defeated by the House. Since then, so far as I know, there has been no formal reconsideration of the matter by the committee, and I know that I myself and some of my colleagues are opposed to the bill.

Mr. BURTON of Ohio. You have not filed any minority report, however.

Mr. SHERLEY. We have not. We considered the adverse action of the House on the matter sufficient.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him how the value placed on this land in the bill has been arrived at?

Mr. BURTON of Ohio. It is a proposition made by those who represent the owners. It is in the hands of trustees.

Mr. STEPHENS of Texas. And are we asked to pass the bill without any report as to the real value of the land?

Mr. BURTON of Ohio. As I understand it, the Committee on Appropriations were posted on the value of the property at that time.

Mr. STEPHENS of Texas. But how would it be possible for Members of the House to post themselves?

Mr. BURTON of Ohio. Why, from the information given by the committee. I will state that I myself have given it some degree of attention, though not so elaborate as I should have given it had there not been a prior investigation of the subject.

Mr. STEPHENS of Texas. I think we should have more time than is given us to investigate a matter of this importance. What is the amount of money carried in the bill?

Mr. BURTON of Ohio. Four hundred and twenty-three thousand dollars.

Mr. STEPHENS of Texas. How many acres of land are proposed to be added to the present park?

Mr. BURTON of Ohio. Approximately 100.

Mr. STEPHENS of Texas. For how much an acre—$400?

Mr. BURTON of Ohio. Oh, no; something over $4,000 an acre. One-half of that comes from the District of Columbia. The gentleman must bear in mind that this is in the territory between Massachusetts avenue and Connecticut avenue, in a locality where property is increasing in value as rapidly as anywhere in the city.

Mr. SHERLEY. Will the gentleman advise the House as to the topography of this land, and whether it has anything like the value for building purposes of other land which he has estimated the value of?

Mr. BURTON of Ohio. I will state that I have made some inquiry on that very subject, and sales have been made of all varieties of land about it, and again I repeat, after a careful examination, that it is equal to the average of land about it, and that it is here offered at a very materially less price than that at which sales have been made in the neighborhood.

* * * * * * *

Mr. Speaker, this bill has awakened most unexpected opposition, and has involved some unusual accusations. One Member of the House has taken the position of claiming that there is dishonesty in connection with it, and says there is a Member of this House who is personally interested in this sale.

Mr. Speaker, I am tired of these vague accusations on the floor of this House or anywhere else. [Applause.] If the gentleman knows aught against any man on this side, or on the other side, in reference to this transaction, let him not make his accusation unnamed, but let him stand up here on the floor of this House and let the Members of the House of Representatives and let the country know who in this body is actuated by personal interest in this matter.

Mr. SIMS. I would give the name if the man who told me would permit.

Mr. FITZGERALD. Will the gentleman from Ohio yield for a question?

Mr. BURTON of Ohio. Certainly.

Mr. FITZGERALD. Is the gentleman from Ohio able to state the names of the owners of this land?

Mr. BURTON of Ohio. Except as stated in this bill. As I understand, a large share belongs to the estate of Mr. Waggaman, and two or three others own the other part.

Mr. FITZGERALD. Certain persons are named as trustees, and I endeavored to ascertain, when the matter was before the Committee on Appropriations, who the owners were, and the only names I could get were those of the trustees.

Mr. BURTON of Ohio. I am satisfied that these accusations of dishonesty are carelessly uttered and have been made without one particle of foundation. I have no interest in this bill, nor do I believe any other Member of this House has an interest. I have advocated it on the suggestion of some who knew of my original interest in Rock Creek Park twenty years ago. I was interested then, and I listened to the same kind of opposition, though not so loud in accusations of dishonesty.

Mr. SIMS. I deny having said anything about dishonesty. I said interest.

Mr. BURTON of Ohio. In the natural growth of the parks in the city of Washington the extension will be over this ground, and I say to this House that at some day this property will be a part of the park system of Washington. The modern development of parks is in separate localities, connected by driveways and otherwise. This is in the natural line of connection and development between them. If I had time, I would refer to the remarks of the gentleman from New York [Mr. ANDRUS]. He says that this property is only assessed at $235,000. Does not the gentleman know that the taxable value of property everywhere is not its full value, that property is sometimes taxed at only one-third or one-quarter of its value? It is taxed here on a basis of 66 per cent of the valuation of the property, as I am informed by my friend from Illinois [Mr. MADDEN]. The time when we can most advantageously obtain this property, which will no doubt be an integral part of the park system, is now.

Repeal of the Bankruptcy Law.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 6, 1909.

The House having under consideration the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: Some of these amendments presented I am inclined to vote for; but rather than amend the law, I shall gladly vote for its repeal. I do not know that an opportunity will be given, but I wish the House had the opportunity to vote on the amendments separately. I apprehend, from indications that I have seen, that the House will not have that opportunity.

Mr. OLLIE M. JAMES. The Speaker ruled a moment ago that you could vote upon them separately.

Mr. BARTLETT of Georgia. The Speaker ruled that if we could avoid the previous question, which I have no doubt will be moved presently, we might get a chance to vote on them separately; but there will be no opportunity to vote after the motion for the previous question is called.

Mr. Speaker, I am one of those who voted for the repeal of this bill, and I was hoping that it would be repealed. If anyone will take the report of the Attorney-General and read what has been done in this country the last year and the preceding year, he will see that, so far as the creditor is concerned, it has been a most expensive administration to him.

In many jurisdictions, I may say in most jurisdictions, if this report is correct, and I am bound to take it as true, from Alabama to Wyoming—commencing alphabetically and going through the States—the creditor, out of the amount of the debts, gets from 10 to 12 per cent, and out of the assets realized there has been put upon it a charge of 15 to 35 per cent for the collection of these estates.

In my part of the country it is not the credit men, but the wholesale and retail merchants that are demanding its repeal, because it has been used as an engine and power to force the creditor to compromise with his dishonest debtor in many instances rather than seek the court, where the estate is paid out in expenses for collection to the officers and attorneys of the court.

Now, I do not confine that to my section of the country; but the report of the Attorney-General shows that it is generally characteristic all over the country. If you will take the amount of dividends, you will see that the creditors of the country have paid enormous sums in order to realize very small amounts upon their debts.

As to the tenth amendment proposed to the bankruptcy act, I have, so far as my State is concerned, a very strong opposition to it. We do not have in our State what is known as "judgment notes." Judgment can only be obtained after a suit in court and by the direction of the court. And yet by this amendment, if a man goes to court and sues upon a note overdue and obtains judgment—which by the law of my State is a lien from the day it is entered by the court—he knows it is a preference, and knows that the judgment will give him the money in preference to all others whose judgments are not older than his, and yet, by pursuing a simple remedy at law which my State permits you to pursue, bringing suit in court upon the note, aboveboard, and getting a judgment, that transaction is declared fraudulent, and against that amendment I want to enter my protest. The only remedy for the creditor, in my judgment, is to repeal the entire law, which already has remained too long on the statute book, because it has long since answered the purpose it was intended to serve.

O